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BOARD MEETING  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING  
1001 I STREET  
2ND FLOOR  
CENTRAL VALLEY AUDITORIUM  
SACRAMENTO, CALIFORNIA

WEDNESDAY, SEPTEMBER 22, 2004

9:30 A.M.

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CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

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Linda Moulton-Patterson

Rosalie Mul

Michael Paparian

Cheryl Peace

Carl Washington

STAFF

Mark Leary, Executive Director

Julie Nauman, Chief Deputy Director

Elliot Block, Staff Counsel

Marie Carter, Chief Counsel

Fernando Berton, Staff

Judy Friedman, Branch Manager, Organics & Resource  
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Jim Lee, Deputy Director

Howard Levenson, Deputy Director

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Office

Paul Relis, Renewable Resources Alliance

Pat Schiavo, Deputy Director

Monica Wilson, GAIA

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APPEARANCES CONTINUED

ALSO PRESENT

Bob Bouton, DTSC

Susan Collins, Hilton, Farnkopf & Hobson

Evan Edgar, CRRC

Gerard Kapusuk, Ventura County Environmental and Energy  
Resource Department

Gary Liss, Gary Liss & Associates

Brian Mathers, Alameda County Waste Management Authority

Bill McGavern, Sierra Club

Scott Smithline, Californians Against Waste

James Stewart, BRI Energy

Jane Williams, California Communitites Against Toxics

Rob Williams, University of California Davis

Monica Wilson, GAIA

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1 PROCEEDINGS

2 CHAIRPERSON MARIN: Good morning. It's a little  
3 bit past 9:30, but we're going to start as close to the  
4 time as possible.

5 Would you please call the roll?

6 EXECUTIVE ASSISTANT JIMINEZ: Mulé?

7 BOARD MEMBER MULÉ: Here.

8 EXECUTIVE ASSISTANT JIMINEZ: Paparian?

9 BOARD MEMBER PAPARIAN: Here.

10 EXECUTIVE ASSISTANT JIMINEZ: Peace?

11 BOARD MEMBER PEACE: Here.

12 EXECUTIVE ASSISTANT JIMINEZ: Washington?

13 Moulton-Patterson?

14 BOARD MEMBER MOULTON-PATTERSON: Here.

15 EXECUTIVE ASSISTANT JIMINEZ: Marin?

16 CHAIRPERSON MARIN: Here.

17 We do have a quorum. And I know there are a  
18 couple of people working on one item, so we're going to  
19 start with Item Number 3.

20 And welcome. It's nice to see you here today,  
21 Caroll.

22 LEGISLATIVE AFFAIRS OFFICE ASSISTANT DIRECTOR

23 MORTENSEN: It's good to be here.

24 CHAIRPERSON MARIN: Leg and all.

25 LEGISLATIVE AFFAIRS OFFICE ASSISTANT DIRECTOR

1 MORTENSEN: Yes. I was attacked by one of our regulated  
2 commodities. So look out for those tires, because they'll  
3 come and get you. I'm lucky it wasn't a garbage truck.

4 I just wanted to bring a quick update for you.  
5 I'm Carroll Mortensen of the Legislative Affairs Office,  
6 and I wanted to provide everybody a quick update on what's  
7 happening with some of the legislation we've been working  
8 on this past year. As you know, the session ended on  
9 August 28th, and we have a lot of bills that have been  
10 either signed or vetoed by the Governor. We still have a  
11 few that are pending on his desk. But I thought I'd go  
12 through really quickly and give you the highlights of what  
13 we know so far.

14 I'll start out with the bills that the Governor  
15 has vetoed to this point. There were two energy-related  
16 bills, AB 2311 by Assemblymember Jackson and SB 1851 by  
17 Senator Bowen. Slightly different bills, both dealing  
18 with energy efficiency and sustainability. The Governor  
19 vetoed both those bills with veto messages indicating that  
20 we have the existing Executive Order dealing with  
21 sustainable building that's still in effect and he wants  
22 us to continue working within those parameters, as well as  
23 working on ongoing initiatives out of CalEPA, as well as  
24 the Governor's Office, on sustainable building issues.

25 Now, bills that have been signed by the Governor,

1 AB 2159 by Assemblymember Reyes. This was the bill  
2 dealing with enforcement issues that arose out of the fire  
3 that happened down in Assemblymember Reyes' district, the  
4 Crippen fire down by Fresno. This bill was signed by the  
5 Governor and is going to give the Board a couple more  
6 tools in its toolbox as far as appeals and notices and  
7 orders and would pretty much put an end to the appeal upon  
8 appeal upon appeal issues that we've had with some  
9 out-of-compliance facilities. So that was a very good  
10 thing for us.

11 AB 1873 by Assemblymember Hancock, the Governor  
12 also signed this into law. That extends our RMDZ Zone  
13 Loan Program from July 2006 to July 2012. So we'll still  
14 have that program -- very successful program to implement.

15 And SB 1729 by Senator Chesbro dealing with the  
16 rigid plastic packaging container program. This is the  
17 bill that would -- now we don't have to calculate the  
18 recycling rate every year. It will be done on an audit  
19 basis, which is a big step forward for our plastics  
20 program, but we still have a lot of work to do on that  
21 issue.

22 Also, the Governor signed SB 1749 by Senator  
23 Karnette. This establishes a truth in advertising law for  
24 plastic bags that use the terms biodegradable,  
25 compostable, or degradable. It doesn't have an enforcing

1 agency tied to it, but it would allow people to file suit  
2 against bag manufacturers who claim that their bags are  
3 degradable, compostable, or biodegradable, if those claims  
4 are not true.

5           We still have a few bills pending on the  
6 Governor's desk, including AB 338 by Assemblymember Levine  
7 dealing with rubberized asphalt concrete. This is the  
8 bill that would place a mandate on Caltrans to use  
9 increasing amounts of rubberized asphalt concrete in their  
10 highway projects. And we're looking forward to the action  
11 on that bill by the Governor.

12           AB 736 by Assemblymember Hancock. This is a bill  
13 that would require the State Allocation Board to develop  
14 regulations for design standards set forth by the  
15 Collaborative for High Performance Schools, or the CHPS  
16 Program, for any new school bonds and schools built with  
17 those bonds after 2006. That's still pending.

18           AB 923 by Assemblymember Firebaugh. This is the  
19 bill that was sponsored by CalEPA and the Air Board that  
20 would increase the tire tipping fee 75 cents, with that 75  
21 cents going toward air pollution control programs,  
22 including the reduction of particulate matter. That bill  
23 is still pending.

24           And AB 2176 by Assemblymember Montaez. This is  
25 a bill that would establish a large venue recycling

1 program and require local governments to do some reporting  
2 and estimation on the amount of waste generated by large  
3 venues in the district and to begin to develop programs to  
4 address that.

5 AB 2633 by Assemblymember Fromer. This is the  
6 bill that we affectionately call the grease bill. As it  
7 was going through the process, it was going to have the  
8 Waste Board be responsible for both tracking and  
9 permitting of folks that handle interceptor grease. At  
10 the end of the session, they took -- they amended the bill  
11 to have those same responsibilities be performed by the  
12 Department of Food and Ag. That's still pending.

13 Also SB 50, this is the cleanup bill to the  
14 Electronic Waste Recycling Act from last year that would  
15 move the fee collection date back to January 2005 and  
16 would also provide continuous appropriation of those funds  
17 for us to make payments to recyclers and collectors and to  
18 various other cleanup measures.

19 So there's a couple bills that didn't make it out  
20 of the Legislature that we were watching that we think  
21 probably may be issues for next year as well. The top two  
22 were AB 1699 by Assemblymember Laird and SB 1180 by  
23 Senator Figueroa. These are the two bills that dealt with  
24 the management and disposal of fluorescent tubes. They  
25 both would have placed a fee, slightly different scale

1 depending on which bill, on the sale of new tubes to  
2 finance collection and recycling infrastructure for these  
3 universal waste that after 2006 won't be able to dispose  
4 of in a solid waste landfill.

5 That's just a very quick overview. And we've  
6 obviously tracked a lot more bills this year, but those  
7 are the top highlights. But I'd be happy to take any  
8 questions.

9 CHAIRPERSON MARIN: Thank you, Carroll. That was  
10 very nice. I'm so glad -- I know you work very, very hard  
11 throughout the year for all of our bills and keeping watch  
12 over them. So thank you so very much. We missed you  
13 yesterday. We're glad you're fine.

14 Before I go any further and before anybody asks  
15 any questions if they have any, I do want to let the  
16 record show that Mr. Carl Washington came in while you  
17 were giving your presentation. So we're so glad to have  
18 him here.

19 And the other thing I would like to ask is for ex  
20 partes, if everybody is up to date.

21 Ms. Patterson.

22 BOARD MEMBER MOULTON-PATTERSON: I'm up to date.

23 BOARD MEMBER PEACE: I'm up to date.

24 BOARD MEMBER MULÉ: Up to date.

25 CHAIRPERSON MARIN: Mr. Paparian.

1 BOARD MEMBER PAPARIAN: I'm up to date.

2 CHAIRPERSON MARIN: And Mr. Washington.

3 BOARD MEMBER WASHINGTON: I'm up to date.

4 CHAIRPERSON MARIN: So am I.

5 Now we are going to go to questions. Are there  
6 any questions or comments for our Legislative Director?

7 BOARD MEMBER PAPARIAN: Madam Chair, I'm sorry.  
8 I should report an ex parte. I talked to Yvonne Hunter  
9 last night and again this morning about Item 11.

10 CHAIRPERSON MARIN: Thank you. That's very nice.  
11 I don't see anybody wanting to make any comments.

12 BOARD MEMBER WASHINGTON: Madam Chair.

13 CHAIRPERSON MARIN: Yes.

14 BOARD MEMBER WASHINGTON: I would just like to  
15 welcome Carroll back and thank her for the presentation.  
16 She did an excellent job in our Public Outreach and  
17 Education Committee. And, again, I want to thank her for  
18 the hard work that she and her staff is doing to track all  
19 these bills.

20 And I gave an analysis at our Committee as it  
21 relates to just so people know the type of work that they  
22 do. Over in the Legislature, we have about 346 attorneys  
23 that do what six of them do in our Legislative Office. So  
24 I want to thank her for all the hard work that she does  
25 and her staff. And glad to see you back.

1 CHAIRPERSON MARIN: Great. Thank you.

2 Moulton-Patterson.

3 BOARD MEMBER MOULTON-PATTERSON: Thank you. Just  
4 want to add on to what Carl said.

5 We had a great report in Committee also. And I  
6 said it then, but I just want to say it at our Board  
7 meeting. Our office worked very closely with Carroll and  
8 her staff. And you guys do a terrific job, and you have  
9 so few people doing that huge job. Thank you so much.  
10 And as I said at Committee, it's been a pleasure working  
11 with you on legislation. Thank you.

12 CHAIRPERSON MARIN: Yeah, do you want to say  
13 something?

14 BOARD MEMBER PEACE: Just say ditto that. They  
15 do an excellent job.

16 CHAIRPERSON MARIN: Thank you.

17 Carroll, I know you have tasked us with a little  
18 challenge by tomorrow, I think, is it? Any proposed great  
19 ideas that we may want to have.

20 LEGISLATIVE AFFAIRS OFFICE ASSISTANT DIRECTOR  
21 MORTENSEN: Yes. That's true. The Governor's Office last  
22 year during the transition -- usually annually the  
23 Governor's Office asks for legislative concepts and  
24 proposals. And with the change in administration last  
25 year, we didn't do that. But this year they, albeit a

1 little late, are requesting some suggestions from us. So  
2 we'll see how that goes for the upcoming year.

3 CHAIRPERSON MARIN: And they have given us very  
4 specific parameters; right? You cannot ask for millions  
5 of dollars.

6 LEGISLATIVE AFFAIRS OFFICE ASSISTANT DIRECTOR  
7 MORTENSEN: Yep.

8 CHAIRPERSON MARIN: Okay. Thank you. Hopefully  
9 our Board members will be inclined to come up with good  
10 suggestions for legislative purposes.

11 So thank you, Carroll. Very great work. Thank  
12 you.

13 The next item we're going to deal with is a  
14 little bit of left over from yesterday. And I'm going to  
15 call on Chairwoman Cheryl Peace to talk to us about that  
16 particular item, since it was part of your Committee.

17 BOARD MEMBER PEACE: Okay. As we heard yesterday  
18 from Jim Lee the changes that we had proposed in  
19 Committee, I guess what I'm concerned about is since we  
20 didn't get a revised item, I just want to make sure that  
21 all the things we mentioned yesterday are clear before we  
22 vote on the resolution.

23 Should we go item by item then? Should we go  
24 item by item what we discussed yesterday just to clarify?

25 DEPUTY DIRECTOR LEE: Yes, Ms. Peace. My plan

1 is, again, to hear the testimony from Yvonne Hunter,  
2 League of California Cities, with regards to the DGS and  
3 the vehicle purchase requirements. And then my plan was  
4 to summarize, you know, what I understand the discussion  
5 was at the Board yesterday prior to the Board taking a  
6 vote on this item today.

7 BOARD MEMBER PEACE: Okay. Sounds good.

8 CHAIRPERSON MARIN: So then what we're going to  
9 do is -- I know that each one of the Board members has  
10 been given the draft of a statement that I think was  
11 worked out between the League of California Cities and our  
12 staff and different Board members. I know that  
13 Mr. Paparian was also involved in that. So did everybody  
14 get a copy of it? Yes. Okay.

15 Yvonne, would you be so kind to come in and talk  
16 to us about this compromise language?

17 MS. HUNTER: Good morning. Yvonne Hunter with  
18 the League of Cities.

19 And before we get into this item, as someone from  
20 the Third House who works with your Legislative Office,  
21 let me say how fortunate we all are, you and us, to be  
22 able to work with Carroll and her staff. She's a problem  
23 solver and delightful to work with. And so thank you very  
24 much, Carroll.

25 It's a good thing I did not leave the office

1 early yesterday to conduct some personal business, because  
2 in the span of about 15 minutes, I think I got four phone  
3 calls. And if there is anything that illustrates how this  
4 Board works cooperatively with the regulated community,  
5 this experience is it. And, frankly, if there is an  
6 example of why there should be a Board -- a public Board,  
7 this is it. So I want to thank all of you. I want to  
8 thank the Chair for asking where's the League on this, and  
9 Mr. Paparian and Mr. Washington, staff because we were I  
10 think able to work something out.

11 In the process, I discovered a couple of other  
12 issues that I'd like to raise that I have talked to staff  
13 about. And our computer system -- or our Internet  
14 connection was down in the office yesterday. So it was  
15 only late that I was able to access the full item and the  
16 DGS memo. So if I may, can I address a couple of other  
17 issues which I understand were also addressed yesterday.  
18 And why don't we just go in page order.

19 Page 5 -- I guess this is the revised page 5,  
20 sort of in the middle of the page, fifth paragraph down  
21 where it starts, "except for grandfathered grantees." The  
22 way I read this language -- and Carl Washington's staff  
23 called this to my attention, because I think Carl raised  
24 it yesterday. What this means, at least as I read it, is  
25 if an LEA -- a county LEA in this instance has received a

1 grant, that a city would be precluded, prevented from  
2 applying for a grant. And I don't think this is fair.

3 It could be that the LEA is doing a fine job.

4 There's no problem. There's no criticism of the LEA.

5 However, due to the geographic makeup of the county where  
6 the sites are and limited resources, the county may have  
7 to focus on the northern part of the county. And if a  
8 city has the sites that they are talking about, 50 sites,  
9 generators, end-users, haulers -- that's at the end of the  
10 paragraph -- in their area, they would be unable to apply  
11 for a grant.

12 I would strongly suggest that this not be  
13 included. That on a case by case basis, if they meet the  
14 eligibility requirements, they ought to be able to apply  
15 for the money. I think that's clearly important,  
16 especially in large counties where the LEA might be doing  
17 the best job they can, but they just don't have the  
18 resources to do it completely. So that's one item on  
19 that.

20 CHAIRPERSON MARIN: Before you go on that, Carl,  
21 you had raised this particular issue yesterday.

22 BOARD MEMBER WASHINGTON: Correct.

23 CHAIRPERSON MARIN: So would you be in agreement?

24 BOARD MEMBER WASHINGTON: Absolutely. That's why  
25 we contacted Yvonne. Because as I read it and got the

1 response from staff, I didn't think that was absolutely  
2 the case. Because I particularly mentioned large cities  
3 with smaller -- large counties with smaller cities and  
4 they have the same LEA. I think Yvonne is absolutely  
5 correct, that this would inadvertently hurt some of the  
6 smaller cities down there.

7           So as we go along, we'll have Mr. Lee to address  
8 that. And, again, I don't think it should be there. As  
9 Ms. Hunter just said, I think we would have a problem with  
10 the smaller cities.

11           CHAIRPERSON MARIN: Mr. Lee, do we have potential  
12 language that we can add here? Or what would be the best  
13 way to address this?

14           DEPUTY DIRECTOR LEE: Madam Chair, I'd like to  
15 address the concern the staff has with that particular  
16 proposal.

17           As you know, one of our charges was, again, to  
18 make sure that we were managing this program cost  
19 effectively, we were spreading out the resources to cover  
20 the identified gaps in the state.

21           One of the charges that was leveled last time we  
22 brought this item forward was the fact that we had -- I  
23 think in one instance I think Fresno County where we had  
24 two grantees that were potentially receiving what some  
25 people consider to be a disproportionate amount of

1 resources. And also we had another situation where we had  
2 one grantee that applied for a grant that only had a  
3 couple of tire facilities in their area.

4 We propose that the priority be given to the LEAs  
5 or Code Enforcement Authority as the ones that are best  
6 able, we feel, again, to meet the demands of this program.

7 And in the situation that Ms. Hunter mentioned,  
8 we would see that as a situation where if the city came to  
9 us and said that the County LEA that was managing the  
10 program was not covering their area satisfactorily, that  
11 becomes a performance issue for staff to work with the LEA  
12 on. And, again, if they aren't performing satisfactorily,  
13 to either change their grant or consider a new grantee.  
14 So we're concerned again about the proliferation of the  
15 number of small cities with potentially overlapping  
16 jurisdictions.

17 So, again, I think staff's preference would be  
18 that we leave the requirement as is with the preference  
19 for the county or city LEA, if there are issues that are  
20 brought to our attention that are where a particular  
21 authority is not meeting performance criteria, then we  
22 have ways to manage that through adjustment or not giving  
23 them a grant for the next time around.

24 CHAIRPERSON MARIN: But is there any particular  
25 language that we can add that wouldn't necessarily

1 preclude those agencies that would read this and say,  
2 "Well, I'm not eligible," but rather address -- you know  
3 what I'm saying? I want to somehow -- I want to have my  
4 cake and eat it, too.

5 DEPUTY DIRECTOR LEE: Let me ask my staff to see  
6 if there's something I might be missing on this particular  
7 point.

8 SUPERVISOR TURNER: Georgianne Turner, for the  
9 record.

10 Jim has summarized some of our concerns of why we  
11 proposed this language to begin with is to have the fewer  
12 amount of grantees covering the biggest area. But one  
13 thing that we could potentially do is to address the money  
14 issue, as I'm sitting here trying to brainstorm, is to  
15 have the cities work with the counties in some kind of  
16 cooperative or agreement as part of those moneys go to the  
17 city. I'm just kind of thinking off the top of my head  
18 right now of some possibilities.

19 CHAIRPERSON MARIN: Okay. All right.

20 Yvonne, other words of wisdom to try to resolve  
21 it?

22 MS. HUNTER: I think that might be a seed of an  
23 idea. You could say to replace the last sentence or  
24 modify it, agencies -- for cities that wish to apply where  
25 there already is an LEA, they are not precluded from

1 applying. However, they have to meet the criteria of  
2 eligibility and demonstrate or identify how they will work  
3 cooperatively with the LEA to maximize the use of the  
4 money. And, clearly, the LEA would no longer be assigned  
5 to working in their area. You don't want to have sort of  
6 double coverage.

7 I just think it's important in areas where the  
8 LEA is stretched too thin -- and I want to look positively  
9 at what the LEAs are doing. It may not be their fault.  
10 It simply may be there is too much activity. So I think  
11 you have a seed of an idea.

12 CHAIRPERSON MARIN: Okay. I know the reason why  
13 we have court reporters is that they take extremely good  
14 notes of what we just said. And if I may, I tried to  
15 cover that. And I really don't know what the best way to  
16 go forward is maybe to read back what Yvonne said. Can  
17 you do that? So that it -- is that something that the  
18 Board -- the members of the Board agree with?

19 BOARD MEMBER WASHINGTON: What I think we should  
20 do, Madam Chair, is allow staff if she's come up with an  
21 idea -- let Yvonne go through the rest of her concerns and  
22 let her draw the -- kind of put the language together for  
23 us with staff. And then perhaps we can go from there and  
24 go back and read the transcript and make sure they match  
25 up.

1           CHAIRPERSON MARIN: We're going to do that then.

2   Item Number 1 --

3           BOARD MEMBER PEACE: Can I say something?

4           CHAIRPERSON MARIN: Yes, go ahead.

5           BOARD MEMBER PEACE: I understand your concerns,  
6 Yvonne. But on the other hand, the purpose of the grant  
7 is to give the LEA the resources that they need to do the  
8 job. And if they're not doing the job, then we need to  
9 find out why. I'm wondering if this would solve the  
10 problem or not. I don't know. It says, "Except for  
11 grandfathered grantees and jurisdictions that are covered  
12 by a grantee that is also an LEA, staff proposed that  
13 additional cities not be able to apply for a grant if that  
14 city is already part of the LEA's jurisdiction that is  
15 covered by a grant." So if there's a city that's not  
16 being --

17          MS. HUNTER: That's exactly the issue that I was  
18 raising, I think. That if you're already covered by the  
19 LEA, you could not receive the money. Perhaps there would  
20 be an opportunity for the staff -- I know you're trying to  
21 get away from competitive grants and at the same time  
22 maximize the resources. Maybe this is one instance where  
23 the staff and the Board should have some additional  
24 discretion to evaluate the performance of the LEA and the  
25 need for additional money and to try to strike some

1   compromise to work.

2               I mean, I generally have found that the Board  
3   staff is very thoughtful and reasonable and is trying to  
4   work out a good solution.  Maybe this is one instance  
5   where you need to give them some discretion to say,  
6   "You're absolutely right.  We will give you the extra  
7   money, but we want you to work with the LEA."  Or, "Nope,  
8   sorry.  The LEA is doing a good job.  We're not going to  
9   give you the money," or "We'll give you a reduced amount."  
10  And that may violate your wish to move away from  
11  competitive grants.  But the age old saying "one size  
12  doesn't always fit all" may apply to this instance.

13              DEPUTY DIRECTOR LEE:  Madam Chair, if I may.

14              Like I said, I think Ms. Hunter is raising some  
15  good points.  And I think rather than trying to craft some  
16  language on the fly, I think I'd like to have the time to  
17  work on this and bring this back before the Board next  
18  month.  I would like to hear the rest of her comments to  
19  make sure we understand all of the League's positions.

20              But, again, I have a concern that, you know, the  
21  item we brought forth has been very carefully crafted to  
22  try and address the concerns that have been brought to us  
23  to this particular point.  And I'm concerned, again, about  
24  trying to insert language that could disrupt and  
25  ultimately contravene direction we've received on this

1 program in the past. So I'd like to have a chance to make  
2 sure that we give it some thoughtful consideration.

3 CHAIRPERSON MARIN: I think we'll all agree on  
4 that then. But we would love to hear your other comments.

5 MS. HUNTER: The next point is on page 7 of the  
6 revised agenda item. This next one may address some of  
7 this issue that staff has. And that is Item 3, what  
8 happens if the program is oversubscribed? And I've heard  
9 third-hand, secondhand, that it's staff's thought that, if  
10 it is oversubscribed, to reduce funding in a way that  
11 focuses on those programs that will primarily address  
12 health and safety. And I think that's absolutely correct.

13 What I would encourage is direction so that the  
14 grant application includes that up front so that public  
15 agencies that are applying will know that they better  
16 focus on public health and safety, because if there is not  
17 enough money, that's going to be the criteria for reducing  
18 it. So I'd just put that up front so they know it. And  
19 that may address the other item.

20 And then getting to the issue above that, that I  
21 guess started all of this, the DGS guidelines. What I  
22 would suggest is language that I took a stab at drafting  
23 yesterday, and you'll see the handwritten word "strongly"  
24 in the second paragraph. That was Mr. Paparian's request.  
25 And if that makes him happy, then that's just dandy.

1           CHAIRPERSON MARIN: We'll do anything to keep him  
2 happy.

3           MS. HUNTER: Almost anything. Legislatively and  
4 regulatory, of course.

5           I think it's important to balance the absolute  
6 appropriate move in this state to alternative fuels,  
7 hybrid vehicles, energy-conserving vehicles, and all of  
8 that. And that's something that the League strongly  
9 endorses.

10          The problem is -- and I don't want to sound like  
11 I'm just being bureaucratic and obstinate. But the  
12 management memo is designed for state agencies. And  
13 that's highly appropriate. If the Legislature thought  
14 that it was appropriate to apply that uniformly to  
15 everybody else receiving state money, then that should be  
16 a subject for state legislation. And we can debate it and  
17 think about it and all that. That being said, the state  
18 memo does put out some pretty good guidelines on what to  
19 evaluate.

20          So what this two paragraph proposal is, is it on  
21 the one hand, if you're going to use this money to  
22 purchase a vehicle, you shall -- please note the word  
23 "shall" -- consider the management document memo. And I  
24 would suggest this memo be included in the grant  
25 application. And included when you do it electronically,

1 put a link so you find out what it is. It took me a  
2 while, partially because our computer was shut down, to  
3 find it. And Mr. Paparian's advisor was kind enough to  
4 e-mail it to me. And when I read it in its entirety, it  
5 was a little bit different than what had been described to  
6 me. So number one, they have to consider it.

7           And the second one is, again, to the extent  
8 feasible and practical, the grantees are strongly  
9 encouraged to meet the requirements. Doesn't say you have  
10 to, but to the extent that you can. And I think you will  
11 find that more and more public agencies are moving to  
12 electric vehicles, hybrids, et cetera. But there may be  
13 instances, for example, where they want to buy a hybrid,  
14 but there's a three- to six-months' wait, and that's why  
15 they can't do it. Or they do need an off-road vehicle,  
16 given the terrain of the community, so they buy an  
17 off-road vehicle, but one that is a little bit more energy  
18 efficient.

19           So we would certainly, I think, based upon my  
20 understanding of League policy and how cities work -- I  
21 don't think I'm going too far out on a limb. I think this  
22 would be fine. And I hope it would meet the concerns that  
23 the various Board members have expressed.

24           CHAIRPERSON MARIN: Thank you, Ms. Hunter. I  
25 really appreciate that.

1           And I know Ms. Peace wants to say a few things.

2           BOARD MEMBER PEACE: I want to thank Yvonne. I  
3 think you have worded it beautifully. And I also want to  
4 say you're exactly right that this memo should be included  
5 in the grantee package along with the website link.

6           MS. HUNTER: But it needs to be made clear that  
7 you're not required to follow it. The only thing you have  
8 to do is take a look at it, which by giving it to them you  
9 will be doing.

10          BOARD MEMBER PEACE: Make it easier for them to  
11 know what it is. Thank you very much.

12          CHAIRPERSON MARIN: Mr. Lee, you have a pretty  
13 good idea where we need to go; right?

14          DEPUTY DIRECTOR LEE: Yes, Madam Chair. We'll  
15 discuss this with Ms. Hunter further and make sure we get  
16 everything incorporated and make sure the package is  
17 brought back in a more presentable form, and hopefully  
18 approve it next month.

19          CHAIRPERSON MARIN: Thank you. And I really  
20 appreciate the indulgence of all of the Board members.

21          And I thank you, Yvonne, for your rapid response.

22          I know that Ms. Peace wants to continue to say  
23 something else and then Mr. Papanian.

24          BOARD MEMBER PEACE: So, Jim, you're going to  
25 bring the whole item back again next month?

1           DEPUTY DIRECTOR LEE: Yes. I'm asking the item  
2 be continued until next month.

3           BOARD MEMBER PEACE: And you are going to add in  
4 also -- I know we mentioned the inspection costs and how  
5 those were going to be guidelines, not real strict.  
6 You're going to address that in there also.

7           DEPUTY DIRECTOR LEE: That is correct.

8           BOARD MEMBER PEACE: And also one more thing in  
9 Committee we were talking about maintaining the grantee  
10 performance, I think I mentioned that we're going to look  
11 at all these things like are their inspection forms filled  
12 out right and are they submitted on time. And it was my  
13 concern that maybe instead of just looking at their  
14 paperwork, that we also maintain their performance by  
15 maybe having Board staff do joint inspections where  
16 necessary with the grantee to ensure that the grantees'  
17 inspectors throughout the state are enforcing the statute  
18 and regulation consistently.

19           And I don't remember you saying that yesterday  
20 when you gave your presentation. I think that's  
21 important. Because instead of just looking at paperwork  
22 to see if they're performing well where needed, our staff  
23 would go out and do a joint inspection to make sure  
24 they're doing what we expect them to do.

25           DEPUTY DIRECTOR LEE: Understand. And I think we

1 discussed this in the Committee meeting, Ms. Peace. And I  
2 guess my understanding would be is this would be more or  
3 less like a training and evaluation of the grantee. It  
4 would not something where our staff would be required, you  
5 know, for every inspection --

6 BOARD MEMBER PEACE: Just where they think it's  
7 necessary, needed, that instead of just looking at  
8 paperwork to see if they're performing, that they would  
9 actually go out and maybe follow along with an inspection  
10 with them.

11 DEPUTY DIRECTOR LEE: That would certainly --

12 BOARD MEMBER PEACE: See if they're doing it  
13 consistently and what we feel --

14 DEPUTY DIRECTOR LEE: We can commit to that.

15 BOARD MEMBER PEACE: And then, like I said, not  
16 every single time and not every single case. Just where  
17 maybe the local enforcement person thinks it's necessary.

18 DEPUTY DIRECTOR LEE: I understand.

19 CHAIRPERSON MARIN: Mr. Paparian.

20 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

21 I also wanted to add my thanks to Yvonne for  
22 stepping forward and helping craft some language on this.  
23 I think it is good language. It's consistent with  
24 Governor Schwarzenegger's very clear direction that he  
25 wants to encourage municipal and county governments to

1 accelerate the use of the cleanest vehicles commercially  
2 available. And I think this provides that type of  
3 encouragement.

4           So just a couple other things. It would be  
5 difficult for us to ask our sister agencies to step up and  
6 promote buy recycled and waste reduction efforts and other  
7 things if we didn't step up with things like this and  
8 encourage the use of clean fuel and efficient vehicles. I  
9 think it's really important to the cross-media efforts in  
10 CalEPA.

11           I want to mention briefly there was a mention  
12 yesterday that these vehicles aren't easily available. I  
13 double checked that last night. I've got a long list of  
14 vehicles that are available that the state's negotiated  
15 prices on. I wish I could get these prices on a car  
16 myself. But there's tons of vehicles available in every  
17 type of class that could be bought meeting this DGS  
18 requirement. So it's not an issue.

19           And finally -- and I promise I won't mention this  
20 again. I mentioned this in the Committee hearing the  
21 other day. But we are not the Oprah show, but we are  
22 giving away cars.

23           CHAIRPERSON MARIN: And Yvonne is right to take  
24 yours.

25           MS. HUNTER: And another thing that might be

1 useful is to remind your grantees that they are eligible  
2 to buy the cars through the state's purchasing program. I  
3 mean, everything that the state purchases, they're bulk  
4 purchasing. So that might --

5 BOARD MEMBER PAPARIAN: They have incredible  
6 deals.

7 MS. HUNTER: Exactly. Give them -- include the  
8 link to wherever it is to show them. I think most of them  
9 know that, but to remind them.

10 CHAIRPERSON MARIN: That's a good idea. Thank  
11 you, Mr. Paparian.

12 Okay. Well, I think that one of the things that  
13 is truly amazing is that when we bring the stakeholders  
14 that will be impacted by a policy, I think we end up with  
15 a much better policy than we began with. So I really  
16 appreciate your accommodation.

17 I certainly appreciate the Board's willingness to  
18 do it right, even if it takes a little bit longer.

19 And, Mr. Jim Lee, thank you so very much for also  
20 accommodating all of the requests.

21 And thank you, Yvonne.

22 Okay. So this will be -- it doesn't have to go  
23 to Committee anymore. It will just come back to the  
24 Board. Okay.

25 Next item is Item Number 16. What we're going to

1 do is Number 16 and 17, and then lastly we'll do Item  
2 Number 2 on the agenda.

3 On this particular item, everybody knows that  
4 you're welcome to speak, but we do need your -- they  
5 already have some. If anybody wants to speak, just make  
6 sure that you fill out a speaker slip, and we will gladly  
7 accommodate that.

8 First and foremost -- who's going to be  
9 presenting? Patty will present Item 16, please.

10 DEPUTY DIRECTOR WOHL: Good morning, Madam Chair,  
11 Board members. Patty Wohl with the Waste Prevention and  
12 Market Development Division.

13 Today's reports are the culmination of thousands  
14 of hours of work by contractors, staff, and stakeholders.  
15 Later on in this presentation, we'll be introducing the  
16 contractors, but I want to take a minute to acknowledge  
17 the staff who have been instrumental in bringing this  
18 presentation forward.

19 Foremost, Fernando Berton, who's front and center  
20 most of the time in regards to this project, he's the  
21 project manager and obviously our technical expert. But I  
22 think even Fernando would admit he's had some help along  
23 the way, including Steve Sorelle, who has been  
24 instrumental in the life cycle and market development  
25 piece of the study; Brian Larimore who has helped us with

1 the regulations; Elliot Block who's provided legal advice  
2 along the way. In addition, Kevin Taylor and Judy  
3 Friedman have both been the chief editors on this project,  
4 the sounding boards, you know, the advisors that have  
5 really made this product a better product for you.

6 And, of course, I would be remiss if I didn't  
7 mention Howard Levenson, who was there at the inception of  
8 this program and knew early on that the Board should start  
9 looking at getting more information on this subject.

10 This has been a cross-divisional as well as a  
11 cross-BDO issue. We received assistance from DPLA, in  
12 particular, Lorraine Van Kekerix. We've worked with ARB,  
13 DTSC, OEHHA. So I think we're fulfilling a lot of our  
14 efforts there as cross media.

15 Also to add to the accolades this morning, we  
16 need to thank Carroll Mortensen and Rick Dunne who were  
17 instrumental in shaping AB 2770 when it was going a little  
18 bit away from what the Board had originally planned.

19 And, lastly, of course, you, the Board. In  
20 particular, Linda Moulton-Patterson, who early on, you  
21 know, knew this was an area the Board needed more  
22 information on and wanted to get involved. And, of  
23 course, former Member Steve Jones, who was a champion of  
24 this effort.

25 With that, I think it's important to acknowledge

1 that these reports you're hearing today are truly landmark  
2 studies. And, again, California and this Board are  
3 leading the way. I think you need to commend yourselves  
4 for playing that leadership role again. Whether you are  
5 for or against this technology, I think we'd all agree  
6 that we need more information. And this is the first  
7 step. You know, we're getting more information and we'll  
8 kind of provide -- you know, help us with the  
9 decision-making process. The rest of the United States  
10 continues to look at California to chart that course. So  
11 I'm anxious to hear your input on these studies.

12 With that, I'll introduce Item 16 and 17,  
13 Discussion of the Evaluation of the Conversion Technology  
14 Processes and Products Report. And 17, Discussion of the  
15 Life Cycle and Market Impact Assessment of Noncombustion  
16 Waste Conversion Technologies Report and Request for  
17 Direction Regarding the Conversion Technology Report to  
18 the Legislature.

19 And I'll turn it over to Judy Friedman to begin  
20 the presentation.

21 CHAIRPERSON MARIN: Let me just understand. So  
22 are we hearing both at the same time, 16 and 17?

23 DEPUTY DIRECTOR WOHL: We're going to hear both,  
24 kind of our presentation, the contractor's presentation,  
25 and then we will get public comment on both. They really

1 do cross over.

2 CHAIRPERSON MARIN: I know that. I just didn't  
3 know whether it was the first one and then the other one.  
4 And it's going to be both and then we take action  
5 individually. Thank you.

6 Go ahead, Judy.

7 (Thereupon an overhead presentation was  
8 presented as follows.)

9 BRANCH MANAGER FRIEDMAN: Thank you. Good  
10 morning, Board members. And thank you, Patty, for the  
11 acknowledgements. And I'd also like to acknowledge you  
12 for your leadership on this as well. Really support us in  
13 these efforts.

14 We kind of covered this briefly, but I'll just go  
15 over again what we plan to cover today. Agenda Items 16  
16 and 17 run together. We'll do staff and contractor  
17 presentations, then have time for Board question and  
18 answers. Then move into the public testimony. And we'd  
19 like to take the testimony for both reports -- both agenda  
20 items. And we hope that the speakers identify which  
21 report or which topic they're commenting on. Then move  
22 into discussion and direction and finally next steps.

23 --o0o--

24 BRANCH MANAGER FRIEDMAN: Before we turn the  
25 presentation over to Fernando, I wanted to do a little bit

1 of background or historical context for conversion  
2 technology exploration. And, of course, I'm going to  
3 condense history here a little bit, just the highlights,  
4 because it's been a long time.

5           We've really been working on CT issues at the  
6 Board for about the last five years. We began by  
7 participating in a small forum held by the Community  
8 Environmental Council of Santa Barbara where one of the  
9 recommendations was that the state should really pursue  
10 looking at CT research and development.

11           This, among other things, led to our own forum  
12 held in May of 2001 where we looked at a number of issues,  
13 including barriers to CT development. We also began to  
14 hear from local governments who were interested in going  
15 beyond 50 percent, as well as from potential conversion  
16 technology developers.

17           Again, the Board was also tackling a new  
18 Strategic Plan, and zero waste goal was one of the  
19 predominant themes of that plan.

20           All of a sudden it went dead.

21           Anyway, during this time frame, the state  
22 experienced an energy crisis and the interest in  
23 alternative fuels and renewable energy heated up as it  
24 were. And we wanted to explore the value of materials  
25 that were still going to landfill for our use besides just

1 going into the ground.

2 --o0o--

3 BRANCH MANAGER FRIEDMAN: And aside from  
4 everything else, it's also important to see the trends in  
5 waste generation, diversion, and disposal. This chart  
6 comes from the Agenda Item 16 report, and it's page 115 of  
7 the Processes and Products Report. And the per capita  
8 disposal amount has remained fairly constant. And that's  
9 the center line at 2200 pounds per person per year since  
10 1995, while the estimated per capita waste generation has  
11 grown by 39 percent, and that's the top line.

12 The increase in estimated diversion stems from an  
13 increasing per capita waste generation estimate. That's  
14 the bottom line. And is not due to decreasing per capita  
15 disposal, which is really mostly unchanging. So, in other  
16 words, we are consuming more and diverting more, but not  
17 disposing less.

18 If waste generation continues its upwards trend  
19 and diversion rates remain near 50 percent, the per capita  
20 disposal amounts will begin an upward trend. This  
21 combined with the growing population will sharply increase  
22 the landfill disposal amount over the coming years.  
23 Obviously, this isn't sustainable, and we need to look at  
24 our policies and waste management policies and processes.

25 --o0o--

1           BRANCH MANAGER FRIEDMAN: So all of this really  
2 led to the Board adopting a policy in April 2002  
3 concerning conversion technologies. This policy had the  
4 general consensus support from interested parties who  
5 participated. This policy includes definitions of  
6 conversion as noncombustion using residuals that are  
7 otherwise not divertable that meet quality standards with  
8 only a minimum amount of residuals after processing.

9           The Board did establish a policy for diversion  
10 credit if the Board could find the following:  
11 Jurisdiction continues to implement its recycling  
12 diversion programs; facility complements the existing  
13 infrastructure and converts solid waste previously  
14 disposed; facility maintains or enhances environmental  
15 benefits; and the facility maintains, enhances economic  
16 sustainability of the Integrated Waste Management system.

17           Obviously, interest in maintaining or enhancing  
18 the existing infrastructure was paramount for the Board.  
19 And the Board established a level of credit of 10 percent  
20 if those criteria were met.

21           One important piece is that the Board also  
22 directed staff to initiate developing regulations for  
23 permitting conversion technologies that handle solid waste  
24 residual feedstock in February actually before this policy  
25 was adopted. And right now we are awaiting to start the

1 official clock on a set of regulations that have been  
2 developed, and we will be starting that very soon.

3 The Board also directed us to pursue legislation  
4 which ultimately lead to an administration proposal which  
5 lead to AB 2770.

6 And with that context, I'd like to turn the  
7 presentation over the Fernando who will proceed.

8 MR. BERTON: Good morning, Board members.

9 --o0o--

10 MR. BERTON: You can hear me now. Good. I don't  
11 want to sound like a commercial either.

12 But I view these reports not as the culmination  
13 of a journey, but as the start of a journey. One thing  
14 that any kind of reports of this nature usually engender  
15 is you end up with more questions than you have answers.  
16 And that's why we continue researching. I think if we get  
17 too complacent and stop research, then we have problems.  
18 So I see this as the beginning of a journey.

19 As Judy mentioned, the Board did pass Resolution  
20 2002-177 in April of 2002. This was the genesis for AB  
21 2770 which at that time was an administration sponsored  
22 bill. And we did have consensus from a broad spectrum of  
23 stakeholders. The chaptered version really bore little  
24 resemblance to the earlier versions and was ultimately  
25 converted into a study bill and included a definition for

1 gasification. So what I want to do is go over what those  
2 two study pieces were starting with the technology  
3 evaluation.

4 AB 2770 did require the Board to look at these  
5 technologies, look at new and emerging technologies, and  
6 define and describe each conversion technology. In  
7 addition, we looked at the environmental -- the technical  
8 performance characteristics, the feedstocks, and the  
9 amenable feedstocks for these kind of facilities,  
10 emissions, and residues. We are also charged to identify  
11 the cleanest and least polluting technologies. And the  
12 report from -- you see researchers endeavor to do that to  
13 the best of their ability.

14 --o0o--

15 MR. BERTON: The other piece of 2770 is the life  
16 cycle and market impact assessment. Again, we were  
17 charged to look to describe and evaluate the life cycle  
18 environmental and public health impacts of each conversion  
19 technology and to compare those technologies to existing  
20 solid waste management practices, and to also describe and  
21 evaluate the impacts of conversion technologies on the  
22 existing recycling and composting markets.

23 And you'll be hearing from Keith White of RTI  
24 International who will describe the life cycle piece and  
25 Susan Collins of Hilton Farnkopf & Hobson who will

1 describe the market impact piece a little bit later on in  
2 the presentation.

3 --o0o--

4 MR. BERTON: In terms of the implementation of AB  
5 2770, we did let out an RFP back in January of '03, it  
6 seems like, right? Seems so long ago. And we selected  
7 RTI as the contractor. RTI developed the solid waste  
8 decision support tool in a cooperative effort with U.S.  
9 EPA and has a wealth of experience in the world of life  
10 cycle analysis.

11 They also subcontracted with the National  
12 Renewable Energy Laboratory, who has been conducting quite  
13 a bit of research on gasification and fermentation  
14 technologies.

15 As I mentioned, Hilton Farnkopf & Hobson did the  
16 market impact piece. HFH has quite a bit of experience in  
17 the solid waste and recycling industry, so we feel very  
18 confident in their abilities.

19 We had an interagency agreement with UC Riverside  
20 and UC Davis for the technical evaluation. Both campuses  
21 have Ph.D. researchers focusing on thermochemical and  
22 biochemical technologies. In addition, UC Riverside does  
23 a lot of emissions testing for the South Coast AQMD.  
24 Again, we feel very confident in their abilities.

25 --o0o--

1           MR. BERTON: What I'd like to do is sort of break  
2 up the rest of the presentation into two major categories.  
3 I want to talk about thermochemical processes and  
4 biochemical processes. I'll start with thermochemical  
5 processes. As you can see, thermochemical processes that  
6 we looked at were pyrolysis and gasification. And  
7 pyrolysis typically has indirect heat and is without  
8 oxygen. You can see the temperature ranges are from 750  
9 to 1500 degrees Fahrenheit.

10           Gasification typically uses air or oxygen and can  
11 also use steam, hydrogen, and other kinds of substances.  
12 Gasification typically uses oxygen or air that is 25 or 30  
13 percent of what's used in combustion. So it uses less air  
14 or oxygen than for incineration. And the temperatures  
15 start above 1300 degrees Fahrenheit.

16           You can see in the table some of the primary  
17 products and secondary products and residues from these  
18 technologies. The primary products from these  
19 thermochemical technologies are fuel gas that can be used  
20 to produce electricity or a synthetic gas that can be used  
21 to produce some other alternative fuel or alternative  
22 chemical.

23           With pyrolysis, you get pyrolytic oils that can  
24 be used for some other alternative purpose. And these  
25 products could be used to displace foreign oil as well.

1 So that could potentially be one of the benefits. With  
2 any process, you have a residue. So you'll have a char or  
3 ash or some kind of liquid residue from either of these,  
4 pyrolysis or gasification.

5 --o0o--

6 MR. BERTON: Now, the contractor in their study  
7 did point out some differences between incineration and  
8 conversion technology. One thing I'd like to begin with  
9 is that with conversion technology, you'll always have a  
10 pre-treatment step that may or may not exist with mass  
11 burn incineration. And as I talk about this, if the  
12 contractor would like to chime in as well and provide some  
13 additional information, I would ask him to do if he feels  
14 the need.

15 But the differences between incineration and  
16 conversion technology, as you can see, there are a few  
17 differences. For example, the gasses coming out of the  
18 exhaust stack, you've got about 65 percent less exhaust  
19 gas coming out of the gasification or pyrolysis technology  
20 than you do from a mass burn incineration. So you're  
21 dealing with less gas in general that you're dealing with.

22 Additionally, the primary product for  
23 gasification and pyrolysis is a fuel or synthetic gas. So  
24 what that does is it provides an opportunity to clean up  
25 that gas, that you have an intermediate gas cleanup step

1 prior to being used for electricity production or  
2 alternative production. And you still have the air  
3 pollution control equipment at the end as well.

4 Now, the incinerators, they have no intermediate  
5 gas cleanup. What you're generating as heat, the heat  
6 boils the water. You get the steam. And it produces  
7 electricity. And you do have the air pollution control at  
8 the exhaust side of things as well. And it requires the  
9 addition of excess oxygen or air.

10 Anything else on that?

11 --o0o--

12 MR. BERTON: The other major category is  
13 anaerobic biochemical processes. Basically broken up to  
14 anaerobic digestion and fermentation. Biochemical  
15 processes occur at lower temperatures and essentially have  
16 longer retention times because of those lower  
17 temperatures.

18 With anaerobic digestion, the temperatures occur  
19 anywhere between 50 and 160 degrees Fahrenheit and with no  
20 oxygen. And with anaerobic digestion, you have bacteria  
21 breaking down the feedstock.

22 Fermentation is also anaerobic process, and the  
23 feedstock really uses cellulosic material, biomass, or  
24 anything that has cellulose in it. And it does require a  
25 pre-treatment step called hydrolysis prior to

1 fermentation.

2           An important thing to note is that I'm referring  
3 to fermentation as the process to produce the ethynyl,  
4 which is the current term. In the past, we used acid  
5 hydrolysis or enzymatic hydrolysis. And, technically,  
6 that's incorrect, because that is that pre-treatment step  
7 prior to the actual conversion. So, you know, part of  
8 these studies is to learn. And that's one thing that we  
9 learned.

10           With fermentation, the way it's converted to  
11 ethynyl is you have yeast or bacteria. And there has been  
12 a lot of research on using recombinant organisms. You can  
13 see the primary product for anaerobic digestion is biogas,  
14 which can be used to produce heat or electricity. With  
15 anaerobic digestion, you also have a soil element that can  
16 be composted at the end of the day and be used for some  
17 soil building qualities. And the residue you have is  
18 lignin, which is kind of the skeleton structure for plants  
19 and materials of that sort and you do have some  
20 inorganics.

21           Fermentation, the primary product is ethynyl or  
22 other kinds of alcohols and other chemicals. And you do  
23 have the secondary products being carbon dioxide and  
24 animal feeds. And the residues are pretty much the same  
25 as anaerobic digestion.

1 --o0o--

2 MR. BERTON: As far as feedstocks, I've mentioned  
3 feedstocks a couple of times. You can see from the chart  
4 that there's quite a bit of organic material still being  
5 landfilled today. And this would be the target material  
6 for conversion technologies. That is, materials still  
7 destined for a landfill. Those organic materials. I  
8 believe it's 30 million tons of organ materials are still  
9 being landfilled, even with 160 composting facilities and  
10 47 percent diversion we have in California currently.

11 The feedstocks for these technologies would be  
12 primarily that organic fraction. The one thing is the  
13 thermochemical check processes convert all the organic  
14 material being landfilled. The biochemical technologies  
15 could only convert the biodegradable fraction of those  
16 organics.

17 --o0o--

18 MR. BERTON: Now, as Judy described in the policy  
19 that was passed in 2002, Board policy requires there be  
20 up-front recycling. So there would be a requirement for  
21 some pre-treatment steps. Now, all conversion  
22 technologies do require some kind of pre-treatment step to  
23 remove the recyclables, to remove the ferrous and  
24 nonferrous metals and glass that could reduce the  
25 efficiency of high temperature systems or throw the system

1 off for biochemical systems. The non-biodegradable  
2 materials, as I just said, could upset the anaerobic  
3 systems. And, again, California law and Board policy  
4 require that up-front recycling.

5 --o0o--

6 MR. BERTON: Now, there are a number of operating  
7 facilities, not in California and not in the U.S., but a  
8 lot of them in Japan and Europe. As can you see, there  
9 are 59 facilities total of the high temperature  
10 technologies, 20 gasification, 39 -- 20 pyrolysis, 39  
11 gasification facilities. Most of these facilities are  
12 located in Japan. There are two pyrolysis and two  
13 gasification facilities in Germany and one gasification  
14 facility in the United Kingdom.

15 As you can see, the installed capacity of these  
16 59 facilities processed two-and-a-half million tons per  
17 year of material in their processes. And these are  
18 technologies that take solid waste, the materials that we  
19 deal with here. So that two-and-a-half-million tons would  
20 be approximately 8 percent of our total organic material  
21 landfilled in California. In looking at the charts and  
22 the study, the average size gasification facility was  
23 about 240 tons per day. And the average size pyrolysis  
24 facility was 150 tons per day.

25 --o0o--

1           MR. BERTON: Now, the study also points out that  
2 there were some problems with these facilities. In  
3 Germany, there was a pyrolysis facility that there was an  
4 accident due to a plug of waste. You had pyrolytic gasses  
5 that escaped, and the plant personnel were hospitalized.  
6 It was determined that the reason for the accident was  
7 poor feedstock preparation and accepting large items like  
8 mattresses.

9           So this was a learning experience, and there are  
10 some Japanese companies that are using these processes  
11 very successfully. So they learned from those mistakes  
12 and moved forward on that.

13                               --o0o--

14           MR. BERTON: In addition, there was a  
15 gasification facility in Australia that was doing a lot of  
16 research. They were doing a lot of research on their char  
17 gasification. At the end, there's always a residue that  
18 is char. What they were going to do is get some  
19 additional heat value from that char so that they could  
20 reduce that amount of char that would still be going to a  
21 landfill. Well, they spent a lot of money on that, and it  
22 really didn't go anywhere. So they ran into some  
23 financial problems. And the parent company ceased to fund  
24 that facility. From my understanding, the facility  
25 itself, the first stage gasification was working just

1 fine. It was just the secondary component of the char  
2 gasification that was the issue.

3 --o0o--

4 MR. BERTON: Now, there are a number of  
5 biochemical facilities that are operating as well.  
6 Predominantly, in Europe you have anaerobic digestion. In  
7 2000, you had 1.1 million tons per year that was being run  
8 through these kinds of facilities, again taking  
9 combinations of mixed waste, green waste, animal bedding,  
10 food waste, et cetera. In 2004, there was 2.8 million  
11 tons being processed. There was a 250 percent increase.  
12 And Rob Williams, one of the UC researchers, actually  
13 visited a couple of these facilities over the summer.

14 --o0o--

15 MR. BERTON: This just shows pictorially the  
16 growth curve of anaerobic digestion in Europe. Anaerobic  
17 digestion seems to be pretty popular in California, too.  
18 There are at least five projects proposed in California.  
19 And I'll get into a little bit more details on those a  
20 little bit later.

21 --o0o--

22 MR. BERTON: Now, after this slide, I'll be  
23 turning it over to Rob Williams. But I want to preface  
24 things that all conversion technologies will require  
25 environmental controls. However, you know, with MSW

1 combustion, the emissions have improved. And some of  
2 those same technologies used for MSW combustion could  
3 likely be used for thermochemical technologies and  
4 biochemical technologies. And so that's why conversion  
5 technologies can offer improvements relative to those  
6 combustion systems.

7           So with that, I'd like to introduce Rob Williams  
8 with the University of California Davis, one of the  
9 contractors doing this. And he will be discussing further  
10 some of those environmental impacts, some of the  
11 conclusions from the report, and recommendations for  
12 further studies. So I'll pass the mouse over to him.

13           CHAIRPERSON MARIN: Welcome.

14           MR. WILLIAMS: Thank you. Good morning.

15                               --o0o--

16           MR. WILLIAMS: So I'll start off and make a few  
17 comments about some of the environmental impacts of some  
18 of the systems that we reviewed in our report.

19           I want to start off with this chart that shows  
20 fairly significant emission reductions due just to the  
21 combustion of municipal solid waste in this country. The  
22 1990 emissions for the total industry, those are a  
23 summation of all large MSW combustion systems in the  
24 country, all of their emissions add together. And then  
25 between 1990 and year 2000, they had to apply maximum

1 allowable control technology to reduce -- mostly to  
2 address the dioxin and furan emission problem.

3           So the final column shows the emission reduction  
4 after installation of much better pollution control  
5 equipment. And the point is that dioxin total toxic  
6 equivalent quantity decreased by over 99 percent. I  
7 believe in 1990 the solid waste combustion industry  
8 accounted for 40 to 45 percent of the total US dioxin  
9 emitted to the air, and by the year 2000 with their  
10 reduction to industry-wide only 12 grams TEQ per year.  
11 They were down to less than 1 percent of the US total air  
12 emission burden. At the same time, total air emissions in  
13 the US decreased by over 90 percent for all sources  
14 between 1990 and 2000.

15           The point is that existing modern commercial  
16 combustion systems are doing very well, and we would  
17 expect these thermochemical conversion systems that we  
18 reviewed to have possibly improved emissions  
19 characteristics compared to modern combustion.

20                               --o0o--

21           MR. WILLIAMS: This is a table right out of the  
22 report. It's a list of several of the thermochemical  
23 facilities that are operating or recently were operating.  
24 These are gasification and/or pyrolysis facilities making  
25 producer or synthesis gas and burning it for heat and

1 power in a close coupled situation to the gasifier  
2 reactor.

3           The top two rows are emission limits given by  
4 U.S. EPA and also German emission limits which are typical  
5 of most of the European community. And then I'm trying to  
6 highlight the red numbers in each column represent -- were  
7 the highest values in each column to show that if they are  
8 red, they're right up against the limit on some of those  
9 U.S. or German values. But the point also is that even  
10 those limits that are -- the emissions that are near red  
11 right now, if they were to be installed in California,  
12 they would have to meet existing current air requirements.  
13 And there are technologies to address some of those higher  
14 emissions that you see, including improved performance of  
15 the reactor or a better sorting of the feedstock to remove  
16 some of the heavy metals, for instance.

17           And then another point is that these reported  
18 emissions list some dioxin values. And in all cases for  
19 these facilities, their dioxin levels were much less than  
20 the European standard of 0.1 nanograms per normal cubic  
21 meter of TEQ. Some of the problems with these numbers,  
22 though, is that they are self-reported by manufacturers or  
23 the facility operators. And we weren't able to get in all  
24 cases good verifiable third-party data. One of the  
25 recommendations is to go in later and attempt to do this.

1           Also, other use of these gasses if it's not used  
2 directly for heat and power, if they were used as a  
3 synthesis gas for chemicals and liquid fuels, you'd expect  
4 them to have even lower emissions.

5                               --o0o--

6           MR. WILLIAMS: Thermochemical systems have liquid  
7 and solid residues. There are liquids and condensates  
8 that could be created which will require treatment before  
9 disposal. And most of these are standard industrial  
10 wastewater and liquid treatment that can clean them up or  
11 maintain the material on site while it evaporates. And  
12 then you end up with concentrated sludge, for instance.

13           Scrubber solutions from some air pollution  
14 control devices also will be a liquid affluent which can  
15 easily be cleaned up before disposal. There are solid  
16 residues from all these processes. All the inorganic  
17 material will not react. And the amount of that solid is  
18 very dependant of the process and feedstock used. And  
19 depending on the toxicity level of the solids, there could  
20 be commercial uses, otherwise landfill or other disposal.

21                               --o0o--

22           MR. WILLIAMS: Uses of products from biochemical  
23 processing for the anaerobic digestion systems that create  
24 the biogass, their primary use will be for heat or power  
25 in boiler furnaces or reciprocating engines. There are

1 several -- or there are many operating landfill gas to  
2 energy facilities in California, which is essentially the  
3 same fuel gas used in these facilities or created at a  
4 landfill as would be created in an anaerobic digester  
5 outside of the landfill. These facilities are running,  
6 and they are meeting these emissions.

7           This chart shows Air Resources Board best  
8 available control technology levels for waste gas or  
9 biogas, they call it, engines or boilers. So these  
10 facilities are running and operating meeting these limits.  
11 And an anaerobic digester that creates biogas would  
12 operate pretty much the same way. There is a point to be  
13 brought up that the EPA has measured dioxin emissions from  
14 landfill gas flares or engines up to levels that are the  
15 limit of the European standard. It's not in all cases,  
16 but it's also a possibility.

17                               --oOo--

18           MR. WILLIAMS: The fermentation biochemical  
19 process mainly -- we're probably going to be looking at  
20 ethynyl production. And there's small fugitive emissions  
21 from all these facilities, but they would all have to be  
22 met and controlled by -- controlled by general plant  
23 maintenance and good operation procedures. But the main  
24 product from fermentation or ethynyl producing process  
25 would be a fuel gas that would be used as gasoline oxygen.

1 And the emissions would be meeting the same as the ethynyl  
2 from any other source.

3 --o0o--

4 MR. WILLIAMS: And there are liquid effluents  
5 from these biochemical processes, anaerobic digesters.  
6 Some of them have excess water, and it can be used as a  
7 fertilizer in land application instances. If it's close  
8 enough to a field and the economics are such, there are  
9 chances for heavy metal contamination in some of these  
10 liquids, and that all depends on how the feedstock has  
11 been sorted and how -- it's feedstock dependant,  
12 basically.

13 The fermentation processes that might use acid  
14 hydrolysis as a pre-treatment will have some effluent that  
15 will have to be neutralized. And the pH would have to be  
16 neutralized before treatment or disposal.

17 --o0o--

18 MR. WILLIAMS: Solid residues from biochemical  
19 processes are feedstock dependant, of course. And they  
20 are a fairly large amount compared to the thermochemical  
21 conversion process because the plastics and some of the  
22 biomass does not biodegrade. Depending on the amount of  
23 up-front sorting for these processes, there could be  
24 another opportunity for more recovery of glass, metals,  
25 plastics, and organics on the back end if it hasn't been

1 removed before the process.

2           There's undigested and unfermented biomass solids  
3 that can be composted as long as it meets toxicity levels,  
4 and can be used as a thermochemical feedstock if it's  
5 collocated next to a thermochemical processor or would  
6 probably have to be landfilled.

7                               --o0o--

8           MR. WILLIAMS: So I'll go into some of the  
9 findings, the major findings that are in the report.

10           Essentially, these systems, thermochemical and  
11 biochemical systems, converting MSW components are  
12 operating in other places, mostly Europe and Japan. And  
13 these reasons are mainly market and policy driven.

14           In Europe, there's a large public health  
15 initiative to reduce affects of landfill -- long-term  
16 affects of landfill on the public. They also have  
17 greenhouse gas reduction goals. So can you see that EU  
18 landfill directive requires that biodegradable waste  
19 should be less than 35 percent of the amount it was in  
20 1995 by the year 2015. So that requires solid waste  
21 handlers to do something with the waste material before it  
22 can go to the landfill. And it's called -- it has to be  
23 treated, and that's part of the reason for the growth of  
24 the AD facilities' capacity in Europe and some of the  
25 thermochemical facilities.

1           They also had high renewable electricity prices  
2   paid to the producers. There's carbon trading market  
3   which adds finances to the bottom line. And they also are  
4   up against high tipping fees because of landfill  
5   restrictions -- landfill availability.

6           Japan is also working with greenhouse gas  
7   reduction goals, and they have a very limited landfill  
8   capacity and also fairly limited domestic energy  
9   resources.

10                               --o0o--

11           MR. WILLIAMS: So thermochemical systems compared  
12   to biochemical systems, they operate higher temperatures  
13   and faster reaction rates. This allows for larger  
14   capacity facilities and/or smaller footprint. In general,  
15   they're best suited for drier feedstocks. They can accept  
16   nearly all biomass and plastics. However, sorting is  
17   almost always preferred -- some degree of sorting is  
18   preferred for all these systems. Thermochemical systems  
19   have a wider range of possible output products and usually  
20   yield less solid residue.

21                               --o0o--

22           MR. WILLIAMS: Biochemical systems, on the other  
23   hand, compared to thermochemical systems, they operate at  
24   lower temperatures, slower reaction rates, which means for  
25   a large capacity facility, it requires a large volume

1 reactor, large tank, which can be expensive. Biochemical  
2 processes are best suited for higher moisture feedstocks.  
3 They cannot degrade the plastics and a portion of the  
4 biomass, the lignin portion. Sorting of feedstock is  
5 highly desirable for these processes. And they yield more  
6 solid residue which can be composted or dried, if there's  
7 a collocated thermochemical facility.

8           The fact that it looks like these biochemical  
9 systems will be excluded from the transformation category  
10 and allow full diversion credit provides significant  
11 economic incentive of these systems over conversion  
12 technologies, which seems to be pointing some of the  
13 existing searches -- local California jurisdictions that  
14 are searching for alternatives are leaning towards AD  
15 mainly in large part because of this reason, the diversion  
16 credit.

17                               --oOo--

18           MR. WILLIAMS: This graph shows the major waste  
19 components that make up the current landfill stream in  
20 California shown as a fraction of total weight and also as  
21 a fraction of the total energy in the material. The light  
22 bar is by weight, and the dark bar is the energy  
23 component.

24           The point is that paper and the two film and  
25 non-film plastic categories, by weight they add up to

1 maybe 40 percent of the total disposed material in the  
2 state. But their energy value, if you add up the energy  
3 bar, it's close to 70 percent of the total energy. So  
4 that will lead, especially the thermochemical facilities,  
5 to sort positively for paper in the plastics.

6 --o0o--

7 MR. WILLIAMS: So that would lead us to believe  
8 that there'll be enhanced recycling opportunities because  
9 of this better source separation or enhanced sorting of  
10 any of the feedstock materials for conversion facilities.

11 --o0o--

12 MR. WILLIAMS: So the recommendations in the  
13 report include probably the -- maybe the important one we  
14 think right now is the definition of gasification that's  
15 in statute listed by AB 2770 should be revised to provide  
16 correct scientific definition, if we decide or if it's  
17 reasonable to actually keep technology definitions in the  
18 statute. If we decide to keep defining technologies in  
19 law, then the improved definitions are listed in the  
20 report that should be more realistic.

21 --o0o--

22 MR. WILLIAMS: Another recommendation is that the  
23 state should continue to investigate CTs, conversion  
24 technologies, in much more detail. We really need  
25 complete emission data from existing facilities,

1 third-party verifiable believable data. It would be good  
2 for any developer and for the state to know better  
3 specific details on the commercial status of these  
4 facilities. And we could look at local tipping fees and  
5 unit cost and operating and electricity prices and the  
6 whole economic picture. And in any of these decisions, I  
7 think it should be that we should assess social and  
8 economic costs of all waste management alternatives,  
9 including the do-nothing landfill alternative.

10 --o0o--

11 MR. WILLIAMS: We believe the state should be  
12 involved in sponsoring pilot scale demonstration  
13 facilities which would include a number of different  
14 technologies. We would want to see a Committee of  
15 stakeholders involved in all the selection and operation  
16 decisions. This would allow for detailed analysis of all  
17 the systems and open public dissemination of all the  
18 results. And the goal, of course, is to develop credible  
19 and verifiable information.

20 --o0o--

21 MR. WILLIAMS: We also think it's worthwhile to  
22 explore the ecopark concept, which is basically a big  
23 industrial facility that takes the material that we call  
24 MSW now and treats it as an industrial process input. And  
25 it would include enhanced sorting and better recycling.

1 There would probably be thermochemical and biochemical  
2 conversion processes on the site. And, eventually, the  
3 output would be a very small amount of solid residue that  
4 would have to be landfilled.

5 And it's also worthwhile to investigate  
6 biorefinery concepts which would allow perhaps other  
7 biomass sources outside of MSW to be sited or to be used  
8 as a co-feedstock with MSW biomass to enhance  
9 commercialization. U.S. Department of Energy is involved  
10 in biorefinery investigations for ethynyl in biodiesel,  
11 for instance.

12 --o0o--

13 MR. WILLIAMS: And we would like to see the  
14 improvement of the characterization of MSW in order to be  
15 able to predict behavior of these systems using MSW  
16 feedstocks. And these are basic physical and chemical  
17 property type information that's not always available in  
18 the literature.

19 --o0o--

20 MR. WILLIAMS: And then, finally, to encourage CT  
21 development and to reduce landfilling, then we need to  
22 explore better financing mechanisms and perhaps policy  
23 mechanisms. And then an example of what is likely to  
24 happen is there would be collocation of these facilities  
25 with existing waste treatment.

1 Thank you.

2 CHAIRPERSON MARIN: Okay. Before you go on, can  
3 someone take a look at who does what up there? Is there  
4 any way that we can call an engineer in? This is very  
5 disturbing.

6 EXECUTIVE DIRECTOR LEARY: I know it is, Madam  
7 Chair. We've been struggling with this thing for a while.  
8 I'll see what the latest status is.

9 CHAIRPERSON MARIN: Thank you.

10 EXECUTIVE DIRECTOR LEARY: Thank you.

11 MR. BERTON: It's back to me.

12 --o0o--

13 MR. BERTON: What I wanted to do real quickly is  
14 discuss some other reports that were done around the  
15 world.

16 In August of 1998, the Center for Analysis and  
17 Dissemination of Demonstrated Energy Technologies  
18 conducted a study released in August of '98. The CADDET  
19 Program was established in '98 with an agreement with the  
20 International Energy Agency to promote international  
21 exchange of information on energy efficient technologies.  
22 The program is currently sponsored by ten countries  
23 throughout the world including Japan, Australia, the U.S.,  
24 Belgium, Denmark, and some European countries.

25 What they conclude -- some of the major

1 conclusions in some of their reports was advanced thermal  
2 conversion technologies. They were looking specifically  
3 at gasification and pyrolysis. They opined that these  
4 thermal conversion technologies would meet current  
5 emission standards and could actually meet tighter limits.

6           They also concluded that these thermochemical  
7 technologies would have lower emissions than mass burn  
8 technologies because of waste sorting for the more desired  
9 homogeneous feedstock. You have that lower gas flow that  
10 I pointed out earlier, differences between incineration  
11 and conversion. And you'd have improved producer gas  
12 combustion.

13           The report also did point out that prior to  
14 1990 -- the facilities of this sort did use unsorted MSW,  
15 but a lot them were abandoned due to technical problems.  
16 And what this proved was that conversion technologies do  
17 desire a homogeneous feedstock, which leads to, again, the  
18 presorting and size reduction, which is imperative to  
19 remove the recyclables and something you would require in  
20 California.

21           They also stated that the presence of recycling  
22 programs may improve the economics, because what it does  
23 is it reduces those pre-treatment requirements on the  
24 front end of these conversion technologies. It's being  
25 done at the municipal level already.

1           Some of the potential benefits for these thermal  
2 conversion technologies, lower environmental impacts.  
3 This is all compared to mass burn incineration: Lower  
4 environmental impacts, higher conversion efficiencies, and  
5 greater compatibility with recycling.

6                               --o0o--

7           MR. BERTON: There was another report done -- it  
8 was a report entitled "Report of the Alternative Waste  
9 Management Technologies and Practices Inquiry." And this  
10 was released in April of 2000. This report was prepared  
11 by the Practices Inquiry for the state government of New  
12 South Wales in Australia. What they stated is that no one  
13 technology is suitable for all waste streams. And I think  
14 we would be in agreement there is no one panacea. So they  
15 also think these technologies could form part of an  
16 integrated waste management system.

17           What New South Wales was doing at the time in  
18 April of 2000 was looking into what an integrated waste  
19 management system would look like for that particular  
20 state or province in Australia. And they think that  
21 conversion technologies, as we define, would be part of  
22 that integrated waste management system. They also think  
23 that pyrolysis and gasification could operate at a smaller  
24 or modular scale. And, finally, fermentation would have  
25 limited air and water emissions.

1           With that, we will transition -- that's the end  
2 of my stuff for now. We will transition into the life  
3 cycle. But I'm not sure if the Board would like to take a  
4 break at this point or not. It's the pleasure of the  
5 Board. Would you like us to continue or take a break  
6 or --

7           CHAIRPERSON MARIN: Well, let's see. I know  
8 somebody needs a break really bad. And I'm not looking at  
9 Mr. Paparian. We will take a break. This would be a good  
10 time.

11           And I understand that the reason why we have this  
12 noise coming from above, that it's because many of you  
13 have your cell phones on. So if you all turn off your  
14 cell phones, that this will disappear. Maybe when we come  
15 back, we'll do that for a few minutes and see if, in fact,  
16 that is the case. Anyways, we will be back in 15 minutes.

17           (Thereupon, a recess was taken.)

18           CHAIRPERSON MARIN: We do have a full Board, just  
19 for record. I know at least one Board member has to leave  
20 by 12:30, so it would be my pleasure to finish by 12:30.  
21 But I don't know. Somehow I believe that might not  
22 necessarily be the case. I'm going to ask staff to do as  
23 much as we can. Certainly, we want to hear as much as you  
24 want to say. But we also have quite a few speakers. And  
25 it is possible some of the people that came from out of

1 town also have to catch a plane. So we want to do this as  
2 fairly as possible and as fast as possible to get as much  
3 information as we need. Otherwise, since Carl Washington  
4 missed some of the information, we're going to have to  
5 revisit the entire presentation.

6 BOARD MEMBER WASHINGTON: Madam Chair, I heard  
7 everything that Fernando said upstairs in my office. I  
8 was listening in on him. And I do have my questions for  
9 him at the conclusion. So if you need to take all day,  
10 I'm not the one who needs to leave at 12:30. So you're  
11 welcome to do so.

12 CHAIRPERSON MARIN: He's so quick witted. What  
13 can we say.

14 Fernando, go ahead.

15 MR. BERTON: I'll do a brief introduction.

16 CHAIRPERSON MARIN: I'm sorry. There might be  
17 some ex partes that need to be reported.

18 Moulton-Patterson. No.

19 BOARD MEMBER PEACE: I would like to say I spoke  
20 briefly to James Stuart from BRI Energy.

21 CHAIRPERSON MARIN: Thank you.

22 Ms. Mulé.

23 BOARD MEMBER MULÉ: Up to date.

24 CHAIRPERSON MARIN: Mr. Paparian.

25 BOARD MEMBER PAPARIAN: I spoke with bill

1 McGavern, Jane Williams, and Scott Smithline about the  
2 conversion technology item.

3 BOARD MEMBER WASHINGTON: Up to date.

4 CHAIRPERSON MARIN: So am I.

5 Thank you.

6 MR. BERTON: Okay. As I stated earlier, the life  
7 cycle was to look at -- just compare the life cycle of  
8 conversion technologies to solid waste management systems.  
9 This was all based on hypothetical scenarios in the  
10 San Francisco, Bay Area, and the L.A. basin, and there  
11 were growth scenarios that were established as well.

12 So with that very brief introduction, I'll turn  
13 it over to Keith White with RTI International who will  
14 take you through the  
15 bulk.

16 (Thereupon an overhead presentation was  
17 presented as follows.)

18 MR. WHITE: Thank you, and it's a pleasure to be  
19 here this morning.

20 --o0o--

21 MR. WHITE: Life cycle assessment, to give you a  
22 brief background on what exactly life cycle assessment is,  
23 it's a cradle to the grave system type analysis where we  
24 don't look at one particular facility or process in a  
25 vacuum, but rather the whole chain of processes that make

1 up that system. In this case, we're talking about waste  
2 management system. So we don't look at a landfill alone  
3 as a specific process, but we look at the whole chain of  
4 events, including waste collection and any sort of  
5 transportation or processing and through its final  
6 disposition.

7           So in that context we're looking at a number of  
8 things. One, we're looking upstream and downstream, which  
9 is the life cycle. We're looking at multi-media,  
10 multi-pollutant type burdens. So we don't just look at  
11 one specific pollutant or media. We're looking at air,  
12 water, solid waste. We're looking at multiple pollutants  
13 within each of those categories.

14           International Standards Organization has fairly  
15 recently prepared some guidelines on conducting an LCA.  
16 And these guidelines are international standards. They  
17 are guidelines, which means that they're not standards at  
18 this point for everything. They're draft in some cases.

19           An LCA typically includes three main components,  
20 which is an inventory analysis. An inventory analysis is  
21 basically characterizing and quantifying inputs and  
22 outputs on a pollutant basis or energy basis. So an  
23 inventory might capture things like pounds of sulfur  
24 dioxin emissions over the whole life cycle chain.

25           An impact assessment is typically the second

1 stage. That's usually converting your inventory items  
2 into some other metric that describes an impact category.  
3 In the case of sulfur dioxin emissions and other acid  
4 gasses, we might have an acidification potential. In case  
5 of climate change gasses, we might use a global warming  
6 potential.

7 And the final phase of an LCA is an  
8 interpretation, which is basically taking the results of  
9 your inventory and/or impact assessment and making some  
10 conclusions based on that.

11 For the study, the main focus was on the  
12 inventory analysis piece of identifying and characterizing  
13 the specific inputs and outputs, not only for the  
14 conversion technologies, but for the entire integrated  
15 waste management systems and also looking at future  
16 scenarios.

17 --oOo--

18 MR. WHITE: So our overall approach was first we  
19 had to define the technologies that we were looking at.  
20 The three specific technologies that the Board requested  
21 us to look at were acid hydrolysis, gasification, and  
22 catalytic cracking. Catalytic cracking is for plastics  
23 only. We based our process definitions on three  
24 technologies that represented the most near-term  
25 commercial viable processes that we could find. They were

1 Masada, Bright Star Environmental, and Plastics Energy,  
2 LLC, for catalytic cracking.

3           Getting back to the gasification and Bright Star  
4 Environmental, there's a number of different technologies  
5 in each of these categories. Gasification, we tried to  
6 follow the state's definition of gasification as closely  
7 as possible. There are very few technologies that meet  
8 that strict definition, and there is some discussion about  
9 updating or modifying that definition. Bright Star  
10 Environmental was one technology that came fairly close to  
11 meeting that definition.

12           So after we defined each of these technologies,  
13 what the processes include, we developed the material and  
14 energy balances, which is essentially what are the inputs  
15 and outputs that are required for each of these processes.  
16 From there, we built the entire life cycle models, which  
17 is adding all the other pieces of the waste management  
18 strategy. And from there, we analyze alternative  
19 scenarios that were pre-defined by the Board in the RFP.  
20 I'll describe what each of those scenarios are in a few  
21 minutes.

22                               --o0o--

23           MR. WHITE: Defining the conversion technologies,  
24 as I said, are basically defining what are all the steps  
25 in the process. The way we defined these technologies was

1 largely through communication with the technology vendors.  
2 We were able to get patent information, other public  
3 information that describes the processes and technologies.  
4 We had a number of telephone conferences with the  
5 technology vendors to ask specific questions about, well,  
6 how does this work and where does this material go, to get  
7 a better handle on how their technologies operate and what  
8 exactly their steps are. So from that, we were able to  
9 develop pretty good technology definitions.

10 --o0o--

11 MR. WHITE: We worked with the National Renewable  
12 Energy Lab who helped us do the material and energy  
13 balances for each of the technologies we looked at. And,  
14 again, the material and energy balance is largely a  
15 characterization of what are the inputs and outputs to the  
16 process. So we have some preprocessed feedstock waste  
17 material going into the technology. The technology itself  
18 uses some level of energy and materials as inputs. And it  
19 produces products. It produces energy. It produces  
20 emissions.

21 --o0o--

22 MR. WHITE: The National Renewable Energy Lab  
23 uses a commercial software package to do the mass and  
24 energy balance. And that package is called ASPEN Plus.  
25 As I said, we used a lot of publicly available information

1 to work out all the details of that material and energy  
2 balance. So we needed to know what type of air pollution  
3 control equipment would be used on a gasification type  
4 process.

5 We worked through the state and communicated with  
6 the Air Resources Board and other contacts there to try to  
7 figure out what exactly would be required in terms of air  
8 pollution controls, et cetera. Most of that is dependant  
9 on specific locations and where it's going to be located,  
10 what air shed that's going to be in. So we had to come up  
11 with some pretty conservative assumptions in terms of what  
12 types of air pollution control and other systems would be  
13 put in place on the technologies.

14 --o0o--

15 MR. WHITE: The life cycle inventory. Basically,  
16 when we did the life cycle inventory, we started with the  
17 material and energy balance as prepared by the National  
18 Renewable Energy Lab. At RTI, we've worked with EPA for  
19 the past ten years to develop a solid waste management  
20 tool that is a life cycle tool to capture the  
21 environmental and cost impacts of different solid waste  
22 management alternatives. So starting with that material  
23 and energy balance we used our model to characterize the  
24 other steps in the integrated waste management system  
25 which may include collection and transfer station

1 materials.

2 CHAIRPERSON MARIN: Let me just -- if anybody has  
3 their cell phone on, if you please turn it off just until  
4 12:30. We're going to see if, in fact, that is a problem.  
5 So I'm going to ask everyone that has a cell phone on to  
6 turn it off. Because if it doesn't, I'm going to ask  
7 somebody else to take a look at this. Thank you. Go  
8 ahead.

9 MR. WHITE: Thank you.

10 So we used our model to model the other steps in  
11 the system, the collection transfer station, materials  
12 recovery facilities, the composting, waste combustion  
13 landfill. And we filled any data gaps that we had with a  
14 commercial software called DEAM/TEAM from a company called  
15 Eco Balance. So we just had a few data gaps that were  
16 related to chemical input on technologies.

17 --o0o--

18 MR. WHITE: This gives you a visual of sort of  
19 the step up between the material and energy balance to the  
20 whole life cycle picture. The material and energy balance  
21 basically would capture what goes in and out of the boxes  
22 defined on the screen. The whole life cycle is adding  
23 those additional pieces. We're not only adding those  
24 additional pieces, but we're also expanding it to include  
25 what are the burdens associated with the energy produced

1 or the material inputs that are produced for each of these  
2 steps.

3           One important aspect of the life cycle is also  
4 that we capture any benefits associated with energy or  
5 materials recovery. So in any step, for example, if we  
6 have some material separation and recycling, we account  
7 for the benefit associated with the offset of virgin  
8 material production. Similarly for energy, if we're  
9 producing electrical energy, for example, we take an  
10 offset for the displacement or avoided electrical energy  
11 production that might be achieved.

12                               --o0o--

13           MR. WHITE: The scenarios we analyzed as part of  
14 the project, we had three landfill scenarios. And we  
15 took -- the landfill scenarios basically differ on how the  
16 gas is managed. We had a landfill with gas venting  
17 scenario, which would be a worst case scenario landfill  
18 with gas collection in flaring which would be an average  
19 case. And landfill with gas collection and utilization  
20 for energy recovery, which would represent the best case  
21 scenario.

22           We had a waste to energy scenario; a composting  
23 scenario, which was organic only composting, not mixed  
24 waste composting. The inorganic fraction was still  
25 landfilled in that scenario.

1           And our three recycling scenarios. And our  
2   recycling scenarios differed in the level of separation  
3   efficiency. And by separation efficiency, what we mean is  
4   if we have a certain quantity of a recyclable material,  
5   say, 100 tons of aluminum going into a recycling facility,  
6   that has to get processed by the equipment or by pickers  
7   or however they're doing that. Thirty-five percent  
8   efficiency means that 35 percent of the total mass of  
9   aluminum going in will get pulled out for recycling. An  
10   efficiency of 75 percent means that 75 percent of the mass  
11   of aluminum going in will get recovered for recycling.  
12   It's a level of efficiency on the recycling process. And  
13   we looked at three cases to get an idea of what sort of  
14   range that might be.

15           And then we had a conversion technology scenario,  
16   which Fernando touched on a little bit.

17                               --oOo--

18           MR. WHITE: That hypothetical scenario contained  
19   the three technologies: The acid hydrolysis,  
20   gasification, and catalytic cracking. And I'll describe  
21   how we model those three based on this definition of the  
22   scenario. And this definition came right from the RFP  
23   that the Board had developed.

24           In 2003, which was our base year, they had three  
25   500-ton-per-day acid hydrolysis facilities, four

1 500-ton-per-day gasification facilities, and one  
2 50-ton-per-day catalytic cracking facility.

3 In the years 2004 to 2010, what we did is added  
4 an additional 500-ton-per-day gasification plant in the  
5 year 2005 and 2007. We added two additional  
6 500-ton-per-day acid hydrolysis plants. In the year 2010  
7 we added one additional 50-ton-per-day gasification plant.  
8 So this gave us our quantities of waste that would be  
9 going to or being processed by these technologies. Since  
10 these technologies --

11 --o0o--

12 MR. WHITE: -- only use certain materials in the  
13 waste stream, there's actually more waste going to the  
14 technology than these capacities because they have to pull  
15 out the stuff they don't want. For example, a  
16 gasification plant is going to pull out all the metals and  
17 glass they can because it follows their process.

18 So we use this total amount going to each  
19 facility as a way to develop a quantity of waste managed.  
20 And we use that quantity of waste managed for all  
21 scenarios. They're all being compared on an apples to  
22 apples basis. So if I have one million tons of waste that  
23 are going through our conversion technology scenarios  
24 based on those capacities, then I'm looking at that same  
25 one million tons of waste going to the landfill scenarios

1 or to the compost scenarios or to the combustion or  
2 recycling scenarios.

3 --o0o--

4 MR. WHITE: Getting into the findings. And what  
5 I'm going to present for the findings here, we had the  
6 same general trends for each region of San Francisco and  
7 Los Angeles largely because the waste composition between  
8 those two regions was fairly similar. So there wasn't a  
9 whole lot of differentiation between the two regions on  
10 that level.

11 And I'm going to present for the year 2010 only.  
12 We looked at, you know, 2003, 2005, 2007, 2010. They all  
13 had the same sort of trends. It just depends on what  
14 level of technology we're implementing.

15 Finding Number 1, the amount of energy produced  
16 by the conversion technology scenario is large and creates  
17 significant environmental benefits. This is what the  
18 conversion technologies are intended to do, take garbage  
19 and turn it into useful energy and product. As we look at  
20 it across the board --

21 --o0o--

22 MR. WHITE: -- it has some significant benefits  
23 in terms of energy. What you're seeing here, anything  
24 above zero is a net energy consumer. Anything below zero  
25 is a net energy avoider. That means their net energy

1 produced is greater than their net energy consumed.

2 For the conversion technologies, an interesting  
3 point is not all of that bar comes from energy production.  
4 About 10 to 25 percent comes from the additional recycling  
5 that is achieved by the conversion technologies. For  
6 example, they're pulling out some level of glass, metals,  
7 other material. The recycling of that also displaces  
8 energy that would be used to produce those same materials  
9 from virgin sources.

10 --o0o--

11 MR. WHITE: Finding Number 2, for criteria  
12 pollutants, the conversion technologies are also at the  
13 same level or better than the alternative waste management  
14 scenarios.

15 --o0o--

16 MR. WHITE: If we go to that chart, we'll see,  
17 again, that we have a net avoidance of criteria pollutants  
18 on a life cycle basis. And that, again, is largely due to  
19 the displacement of electrical energy, fuels, and  
20 materials production.

21 --o0o--

22 MR. WHITE: If we look at sulfur dioxin  
23 emissions, we see the same sort of patterns. Sulfur  
24 dioxin can largely be related to energy production and  
25 electrical energy production. So any type of process

1 where we're recovering energy is going to have a fairly  
2 significant sulfur dioxide or sulfur oxide offset. So you  
3 see the processes that recover energy, the landfill with  
4 gas collection and energy recovery, the waste energy, and  
5 also the recycling processes that are offsetting some  
6 energy production by displacing virgin materials  
7 production and the conversion technologies.

8 --o0o--

9 MR. WHITE: From a climate change perspective,  
10 the conversion technology is generally better or the same  
11 level as some of the alternatives.

12 --o0o--

13 MR. WHITE: As we look at this case, we look at  
14 the landfill with the gas venting scenario is probably our  
15 worst case scenario. If we controlled the gas at the  
16 landfill, that greatly reduces the carbon emissions. But  
17 the most beneficial way to do that would be to take that  
18 gas and do something with it or take the material and do  
19 something with it. And that would come through the waste  
20 energy, the composting, conversion technology scenarios.

21 --o0o--

22 MR. WHITE: Some additional findings that we have  
23 from our work. Insufficient data were available to assess  
24 the potential for the conversion technology scenarios to  
25 produce emissions of dioxin furans and other hazardous or

1 toxic pollutants. Brian touched on this a little bit  
2 earlier. There is piecemeal data available on these  
3 technologies. And depending on who you talk to and what  
4 day of the week or month you talk to them, you may get a  
5 different story. And it's also very contingent on what  
6 sort of material they're processing through the  
7 technology. Waste is highly variable. You never know  
8 what you're going to get. It's going to be largely  
9 dependant on what's in that waste and how well they're  
10 able to pre-process or remove those materials that they  
11 don't want.

12           Number 5, the environmental benefits of the  
13 conversion technology are highly dependant on their  
14 ability to have high conversion efficiencies and materials  
15 recycling. A lot of the benefit from these technologies  
16 comes from taking the waste and producing the fuel or  
17 chemical product so their ability to do that in the most  
18 efficient manner possible is desirable.

19           In addition, material recycling rates -- we  
20 assumed a fairly conservative rate of about 50 percent  
21 recycling. So if we have mixed waste going to a facility,  
22 we assumed about half of the material that they're pulling  
23 out and sending to recycling and about the other half of  
24 that is going to a landfill. About 5 percent is a process  
25 contaminant. So their ability to have higher rates of

1 recycling than that would make their profiles look better.

2           Number 6, conversion technologies would decrease  
3 the amount of waste disposed of in landfills. This is  
4 also what they're designed to do. They would basically be  
5 reducing the organic fraction greatly and also result in  
6 additional recycling.

7           Number 7, and this has been touched on earlier as  
8 well. These technologies don't exist in California. They  
9 don't exist in the U.S. for municipal solid waste.  
10 Therefore, there is a high level of uncertainty associated  
11 with their environmental performance as compared to some  
12 of the existing waste management practices that we looked  
13 at.

14                               --o0o--

15           MR. WHITE: Some additional uncertainties and  
16 limitations. We didn't focus on optimal siting  
17 collocation aspects. That wasn't part of our scope. We  
18 had specific regions we looked at, the Los Angeles and  
19 San Francisco regions. And we used specific waste  
20 characterization data for each of those regions from the  
21 Board's database. But we didn't look at any specific  
22 siting aspects, other than the RFP required us to look at  
23 those collocated with MRFs.

24           Uncertainty in how the feedstocks will be  
25 delivered to the conversion technologies. We basically

1 assumed there would be some feedstock going to the  
2 up-front MRF for the conversion technologies and some  
3 pre-processing. There's a number of ways the material can  
4 get to the facility. You could have private contracts to  
5 bring source separated or segregated material to the  
6 facilities. For this project, we basically assumed that  
7 it would be mixed waste going through the normal  
8 collection system to a front-end MRF.

9           The only case was in the case of catalytic  
10 cracking, because they're only taking plastics. We  
11 assumed that half of that waste stream would come from  
12 commercial or industrial sector as a source separated  
13 material. And we assume the other half would be pulled,  
14 positively sorted out of a mixed waste MRF.

15           We considered municipal solid waste only. We  
16 didn't look at other types of potential waste, industrial,  
17 agricultural, et cetera. Most of the processes we use  
18 national averages. We did tailor it to California in  
19 terms of energy production and other variables to the  
20 extent we could. A lot of these processes and conversion  
21 technologies we had to use our best available data, which  
22 is largely average data.

23           And, finally, LCA is not a risk assessment. We  
24 don't have spacial differentiation. Meaning, we don't  
25 know exactly where the facilities are going to be located.

1 We don't know -- an LCA is not designed to calculate the  
2 rate of release of different chemicals or different  
3 concentration. We do have some information in the  
4 materials and energy balances that the National Renewable  
5 Energy Lab developed. So that may be useful for doing a  
6 risk assessment in the future. But LCA is not designed to  
7 look at that. We're looking at net total life cycle  
8 emissions, and I'll leave that at that.

9 --o0o--

10 MR. WHITE: Future research needs. Again, we  
11 need to look at updating the results or readdressing this  
12 whole area with actual facility data sometime in the  
13 future, preferably operating the U.S. under U.S.  
14 regulations or even California regulations.

15 Analyze regions with wider variation in waste  
16 composition. As I mentioned earlier, the San Francisco  
17 and Los Angeles regions had fairly similar waste  
18 composition. So there wasn't enough variations in those  
19 compositions to see if, for example, you had low organics  
20 or high organics in your waste stream, what impact that  
21 might be on comparing the conversion technology scenario  
22 to the other waste management alternatives.

23 Brian, again, mentioned that looking at ecopark  
24 or collocating options may be a good idea for the future,  
25 taking advantage of the relationships that can be

1 established between different types of facilities, and  
2 also looking at smaller modular conversion technology  
3 facilities that can be easily set up in specific locations  
4 to maximize that location aspect.

5 --o0o--

6 MR. WHITE: And with that, I thank you. And I'll  
7 turn the presentation over to Susan Collins from HFH, who  
8 will present the market impact assessment.

9 CHAIRPERSON MARIN: Welcome, Susan.

10 MS. COLLINS: Thank you.

11 This is the last of the technical presentations,  
12 so the end is near. We're about 20 slides away from the  
13 end of the technical presentations.

14 (Thereupon an overhead presentation was  
15 presented as follows.)

16 MS. COLLINS: Our piece of it was the market  
17 impact assessment. So looking at how conversion  
18 technologies -- is it not on? Okay. Looking at how  
19 conversion technologies might impact the existing  
20 marketplace. So our study objectives, there were two  
21 parts. The economic and financial objectives were to look  
22 at the affects on recycling and composting industries due  
23 to increases or decreases in the feedstock supply. And  
24 that could occur -- there could be a tonnage effect or a  
25 price effect. In either case, we would estimate the

1 economic gains or losses to the recycling and composting  
2 industries.

3 --o0o--

4 MS. COLLINS: The other part of it was to look at  
5 institutional relationships, affects on hauler contractual  
6 relationships, municipal contractual relationships. Look  
7 at the affects on the regional recycling and composting  
8 infrastructure and the affects of put or pay contracts on  
9 recycling and composting businesses. So that pretty well  
10 sums up what we were trying to do with this study.

11 --o0o--

12 MS. COLLINS: Our overall approach was to develop  
13 the key modeling assumptions and put together a financial  
14 model to perform the calculations. Into that financial  
15 model, we first set up the existing conditions. We  
16 developed baseline projections for recycling and  
17 composting. What's going to happen in the absence of  
18 conversion technology, sort of model the marketplace as it  
19 is now and as it is in the future up to the year 2010, and  
20 then impose upon that model estimating the impacts of  
21 conversion technologies on recycling and composting.  
22 Impose another set of conditions on that model and see  
23 what happens.

24 --o0o--

25 MS. COLLINS: I've got three slides here on data

1 gathering, so it fit three different categories. The  
2 first one being quantities and prices. We started by  
3 looking at the waste composition in the two regions,  
4 San Francisco and Los Angeles, using the CIWMB database.  
5 We looked at the quantities of paper, plastic, organics,  
6 recycled, both in-state and exports, and the pricing of  
7 those recyclables and organics, also the pricing of  
8 landfill fees because that's part of the marketplace as  
9 well. We looked at new diversion programs that are  
10 already planned that are anticipated to take place between  
11 now and 2010. And we used two studies that have already  
12 been completed for the Board back in 2001 that estimated  
13 the jobs and revenues per ton for targeted materials. You  
14 know, if you have a ton of recycled newspaper, how many  
15 jobs does that create? What kind of revenues does it  
16 create?

17 --o0o--

18 MS. COLLINS: The next phase of data gathering  
19 was CT feedstock. And we looked at this from several  
20 different angles. What do the facility proponents want as  
21 feedstock? So we asked them. We also asked -- or looked  
22 into jurisdictions that are interested in CT and said,  
23 "What material do you want to send to CT facilities?" And  
24 sometimes the answers from number one and number two were  
25 different.

1           We also looked at the composition of the waste  
2 stream, because sometimes that was different still. And  
3 we looked at pricing, again, by surveying the facility  
4 proponents and the jurisdictions to see what kind of  
5 pricing the facilities wanted and what kind of pricing the  
6 jurisdictions were willing to pay.

7                               --o0o--

8           MS. COLLINS: The last bit of data gathering was  
9 on institutional arrangements, looking at the  
10 relationships that are already in place, municipal  
11 contracts with haulers, haulers' contracts with  
12 facilities, recycling facility contracts. They contract  
13 with both haulers and municipalities, and existing MRF and  
14 landfill throughput and capacity. A lot of times there's  
15 a lot of capacity out there, but not much throughput and  
16 vice versa, and then you have shortages.

17                               --o0o--

18           MS. COLLINS: So this slide was put together so  
19 that if I had to answer the basic questions that were  
20 posed to us for the study, all at once, these are the  
21 market findings in a nutshell.

22           Recycling: There would be a positive impact on  
23 recycling due to the pre-processing that Keith and  
24 Fernando have already talked about.

25           On composting and mulching markets, there would

1 be basically a neutral impact.

2 And on landfills, there would be a negative  
3 impact. What I mean by that is that landfills would lose  
4 business as a result of conversion technologies. But, of  
5 course, that's a very brief statement, and there are  
6 details, reasons, and other possibilities that follow in  
7 the coming slides.

8 --o0o--

9 MS. COLLINS: We've talked about this basket of  
10 facilities already, acid hydrolysis, gasification,  
11 catalytic cracking. This is what we put together for each  
12 of the two regions. It was in the RFP, and we followed  
13 that. Just to give you an overall, what it would amount  
14 to is about 1.2 million tons of waste in 2003 in each of  
15 the two regions. And as the facilities increased, there  
16 would be about 1.8 million tons in each of the two regions  
17 in 2010. That has a very different impact on the two  
18 regions because the Los Angeles market is so much larger  
19 than the San Francisco-Bay Area market.

20 --o0o--

21 MS. COLLINS: So in the greater Los Angeles area,  
22 it would amount to about 7 percent of existing landfilled  
23 volumes in 2003 ramping up to about 11 percent of  
24 landfilled volumes in 2010. But in the San Francisco-Bay  
25 Area, that basket of facilities would have a huge impact.

1 It would be 22 percent in 2003, going all the way up to 33  
2 percent in 2010.

3 --o0o--

4 MS. COLLINS: There would be a net increase in  
5 recycling due to conversion technology sorting. Again,  
6 we've already talked about the net positive impact on  
7 glass, metal, and some plastics due to pre-processing.  
8 And we also found that there would be no redirection of  
9 materials away from current recycling and composting  
10 markets because of price differentials. Basically, if you  
11 had a ton of bailed cardboard, that's worth some value.  
12 You would definitely take it somewhere where somebody  
13 would pay you for that cardboard. You wouldn't go to a  
14 conversion technology facility and pay to get rid of it.

15 --o0o--

16 MS. COLLINS: So the CT pricing and history  
17 findings were very difficult, because there are no  
18 operating facilities in the U.S. currently. There are two  
19 in development this year in California and New York.

20 For the larger facilities, most of the ones we  
21 were talking about in this study which are 500 tons per  
22 day to 1,000 tons per day, the development cost would be  
23 about 40 to \$70 million, certainly not insignificant. The  
24 tipping fees that the facility proponents told us about  
25 would range from \$25 to \$65 per ton. That \$65 number is

1 from the contracts in place with the municipalities in New  
2 York and the CT facility that's proposed to be built this  
3 year in New York.

4 The specific feedstock requirements with put or  
5 pay provisions, of course, would be highly likely, because  
6 you would need guaranteed contracts in place in order to  
7 get a loan or to get investors to give you \$40 million.

8 --oOo--

9 MS. COLLINS: So I think I've already said this,  
10 but to reiterate, why wouldn't paper, plastics, and  
11 organics move to conversion technologies? The shortest  
12 answer to that is because of pricing. Paper and plastics  
13 markets currently -- if you're going to sort the material  
14 out, it already has a positive price.

15 I think I've gotten more buzzes than any other  
16 speakers; is that right?

17 So the CT facilities expect a tipping fee. With  
18 that kind of a price differential, that's pretty much a  
19 no-brainer. Also, CT prices are competitive with landfill  
20 prices. So from the CT facility perspective, they  
21 wouldn't want to pay to get materials if somebody is going  
22 to pay them to bring them trash.

23 --oOo--

24 MS. COLLINS: Now looking at the materials, there  
25 were some interesting findings on paper background,

1 especially the exports. I know we've all heard about the  
2 trends in exports. But it was really interesting, to me,  
3 anyway, to get the actual data and to find out that out of  
4 our ports in the Los Angeles and San Francisco area,  
5 California exports paper to 64 different countries. Some  
6 you may never have even heard of. The four-year growth  
7 rates have been tremendous, over 60 percent out of our  
8 ports from 1998 to 2002. But then when you break the data  
9 down and look at it very specifically, all of the growth  
10 in paper exports went to China, and nearly all of that  
11 growth was mixed paper.

12 --o0o--

13 MS. COLLINS: The next material we looked at is  
14 green waste. It's also unlikely that it would go to  
15 conversion technology facilities, but green waste is the  
16 most vulnerable for pricing reasons. Assuming no  
17 diversion credit is given for CT, it's unlikely that green  
18 waste would be going to CT facilities because, number one,  
19 jurisdictions continue to require diversion credit, either  
20 through composting or ADC or mulching, that kind of green  
21 waste processing.

22 Contract prices also are sometimes significantly  
23 lower than gate rates. That means that for the  
24 municipalities and haulers that have green waste  
25 contracts, they're getting significant price discounts.

1 So they definitely wouldn't go to a more expensive  
2 facility.

3 And, again, from the CT operator perspective,  
4 sufficient refuse tonnage exists at higher prices. So why  
5 would they want green waste? Why would they want to offer  
6 a discount to green waste if they can take in other  
7 material at higher prices and have more revenue for their  
8 facility?

9 --o0o--

10 MS. COLLINS: Although it's unlikely, organics  
11 may be redirected to CT facilities if, number one,  
12 separate collection is changed to co-collection with  
13 refuse for cost savings. What I mean by that is if there  
14 are currently two trucks going down the street, one of  
15 them collecting refuse and the next one collecting green  
16 waste, you can have some cost savings if you mix that  
17 material and put it in the same truck. So that could give  
18 you enough cost savings to make it economically viable to  
19 take organics to CT.

20 Also, if tipping fees are similar to landfills  
21 but there's a CT facility that is closer, you can save  
22 money in transportation costs. So that could be a  
23 possibility. And also if the CT facilities decided to  
24 offer reduced rates for organics because it's better for  
25 their processing, if they have more efficient processing.

1 So it's unlikely, but these are some conditions where it  
2 could happen.

3 --o0o--

4 MS. COLLINS: This slide is titled, "How CT Could  
5 Change Institutional Arrangements." But the reality is CT  
6 won't change institutional arrangements. CT would have to  
7 fit into our existing structure in California. It  
8 wouldn't be a big enough change that it would completely  
9 fundamentally alter the systems that exist.

10 Municipalities for the most part control the  
11 waste streams either through direct collection of the  
12 waste or through the contracts that they have with waste  
13 haulers that specify what those haulers are supposed to  
14 do. They can change their arrangement if they have the  
15 political will and contract flexibility to do so. A lot  
16 of times these contracts are seven to ten years, so it  
17 takes a long time before you have opportunities to insert  
18 new things in the contracts.

19 Contract haulers can use conversion technologies,  
20 but they would need the authority to do so in those same  
21 contracts with their municipalities, because usually the  
22 contracts specify where the waste is going to be taken.

23 The one real open area is open competition in  
24 self-haul waste would have the most flexibility. They can  
25 freely choose where they will take waste, but they also

1 have the least volume. So they would have the least  
2 ability to guarantee volumes to a CT operator. They could  
3 take it there the easiest, but they would probably be the  
4 least attractive from the CT facility operator  
5 perspective.

6 --o0o--

7 MS. COLLINS: In looking at the institutional  
8 arrangements, we also looked at municipalities that are  
9 interested in conversion technologies and have put out  
10 either requests for information or are doing studies about  
11 it.

12 I've only listed a few of them here, but some of  
13 the significant jurisdictions are the city and county of  
14 Los Angeles, separately looking at CT Santa Barbara County  
15 and the Coachella Valley.

16 And the benefits these jurisdictions are talking  
17 about are an alternative energy source through CT, reduced  
18 use of landfills, also a local alternative, if they have  
19 distant regional landfills, and increased diversion  
20 through the preprocessing sorting. But all of them have  
21 said they want to achieve 50 percent diversion through  
22 traditional means first and then send some of the other  
23 50 percent to CT.

24 --o0o--

25 MS. COLLINS: Some of the last of our findings,

1 we actually through the financial model spelled out how  
2 many jobs could be gained and lost through the various CT  
3 scenarios that are in this study. All of them had  
4 additional MRF sorting positions to do preprocessing of  
5 the material and additional recovered material. And that  
6 has its own job and revenue implications down the line.  
7 They all had increases from CT facility jobs, and they all  
8 had job losses at landfills.

9 --o0o--

10 MS. COLLINS: Lastly, we looked at diversion  
11 credit issues. And the short answer -- even though we  
12 have several scenarios that looked at this in more detail,  
13 but the short answer is if there's no credit or up to 10  
14 percent diversion credit, there would be no dismantling of  
15 recycling and green waste programs. It wouldn't be  
16 economically feasible. But if there was full diversion  
17 credit for CT, there would be a cost savings to the  
18 jurisdictions from dismantling separate recycling and  
19 green waste collection.

20 --o0o--

21 MS. COLLINS: And then it would really change the  
22 whole environment.

23 And, lastly, the sensitivities of the study,  
24 again. This echoes what the previous speakers have said.  
25 There are no facilities operating in the United States.

1 So some assumptions were based on operating information  
2 from facility proponents or independent estimates.

3 Market conditions can change quickly. And the  
4 results in the study are very sensitive to market  
5 condition assumptions. Also, we assumed for most of the  
6 scenarios that current diversion activities would  
7 continue, except in that last diversion credit scenario  
8 that I mentioned which is covered in the study.

9 And also the number of jobs and revenues per ton  
10 is dependant on information from previous studies. So to  
11 the extent that's correct, then the numbers in our report  
12 are correct as well. Thank you.

13 MR. BERTON: Okay. That's kind of it for the  
14 actual presentations. At this time we have time for  
15 questions and answers from the Board, whatever your  
16 pleasure is. And so the contractors and we are available  
17 to answer any of those questions.

18 CHAIRPERSON MARIN: I know we have a couple of --  
19 actually, not. I have about eight speakers. Some of them  
20 did not say whether they're supporting or opposing this.  
21 So I don't know where they fall.

22 But I would like to, as the members of our Board,  
23 do we listen to as many speakers before we make comments  
24 ourselves or questions? I'm going to ask the speakers to  
25 come in the order in which I received them. Okay.

1           Did you bring me the last two? I believe this is  
2 right. Okay.

3           Gerard Kapusuk from Ventura County Environmental  
4 Energy Resources Department.

5           MR. KAPUSUK: Good morning, Madam Chair and  
6 members of the Board. For the record, my name is Gerard  
7 Kapusuk with the Ventura County Environmental Resources  
8 Department.

9           First and foremost, I want to say both  
10 professionally on behalf of our jurisdiction and  
11 personally a resounding thank you for conducting and  
12 authorizing these studies. They are an extraordinarily  
13 important beginning data point to have the dialogue that  
14 will certainly ensue from this extraordinarily important,  
15 multivariate, highly complicated, but very, very important  
16 to the future of California's waste industry and more  
17 importantly its resources protection, preservation, and  
18 elaboration industries for the future of the state.

19           I'm a little -- I was thinking of how to simplify  
20 all of this in light of the context. And I know that  
21 virtually all of you -- I'm sure all of you are here  
22 because you share the conscious of Rachel Carson in terms  
23 of our environment. You're all also here because you have  
24 diversion points of view. You reflect the diversity of  
25 the state of California, the fifth largest economy in the

1 world. And in that diversity, you're also a paradigm or a  
2 model of the diversity of our waste or resource stream.

3 This is an extraordinarily complicated stream.

4 This is an extraordinarily diverse situation. And just as  
5 I'm sure you all do not invest in a single stock, the  
6 greatest success here is in a diversified portfolio. But  
7 one in which conscious choices are made in which balanced  
8 interests, in this case at your level, are worked out.

9 So I ask you as you exercise the wisdom of  
10 Solomon on these decisions -- and you will be asked to do  
11 that, because, as you can see, this means a reshuffling of  
12 how we effectively deal with this important problem of  
13 moving away from waste and to resources. And how we do it  
14 economically, environmentally, soundly, and politically in  
15 the regime that exists under AB 939.

16 CHAIRPERSON MARIN: If I may interrupt for one  
17 second. I'm going to ask all of the speakers to have a  
18 maximum of three minutes, because we do have -- now we  
19 have two more. So if you could please state your comments  
20 clearly, and I will let you know when your time is up.

21 MR. KAPUSUK: Thank you. I appreciate that.

22 The simplification I think is that -- and at the  
23 risk -- and I certainly don't wish to offend anyone. But  
24 at the risk of slightly blurring the separation of church  
25 and state for illustrative purposes, I think the parable

1 of the Old and the New Testament is important here,  
2 because I think conversion technology and the future of  
3 maximizing movement to resources is designed not to  
4 replace AB 939, but to complement, to supplement, and  
5 ultimately to fulfill the legislative initiative of  
6 minimizing disposal, maximizing diversion, and taking it  
7 to the next level, maximizing the inherent environmental,  
8 political, jurisdictional, and economic benefits of moving  
9 us to a 100 percent resource driven economy.

10 So I would hope that you continue in this effort.  
11 Ventura County has a strong interest in pursuing these  
12 matters, as you well know from a variety of partnership  
13 arrangements we have. And, again, I offer the invitation  
14 to you all to come down to our bio ag summit on October  
15 the 14th.

16 Thank you very much. And we want to be a soldier  
17 in this effort, and we want to assist you and work with  
18 you to maximize the suite of programs, including conversion  
19 technologies, and the promises they have. And I hope you  
20 will exercise the wisdom and the will in your judgment to  
21 do that. Thank you.

22 CHAIRPERSON MARIN: Thank you. And you still had  
23 six seconds left. Thank you.

24 Okay. The next person would be Bob Bouton from  
25 DTSC, I believe.

1           MR. BOUTON: Thank you, Madam Chair and Board  
2 members. Bob Bouton from DTSC's Office of Pollution  
3 Prevention and Technology Development.

4           I've been to some degree on board with the  
5 project since the scope of work was put together, provided  
6 comments and review, and attended the workshop, and put in  
7 quite a long list of comments. And I'm happy to report  
8 that the report and the authors took those to heart and  
9 addressed all of the comments that I provided.

10          I work in the life cycle area, and I think this  
11 report really goes a long way. And I'm hoping that the  
12 Board begins to look at using LCA as a decision assisting  
13 tool to look at all of the waste streams, all of the  
14 wastes, and evaluating different waste management  
15 techniques. Thank you.

16          CHAIRPERSON MARIN: Thank you.

17          Next one will be Paul Relis from Renewable  
18 Resources Alliance.

19          MR. RELIS: Madam Chair, and Board members.  
20 First, congratulations, Madam Chair. And thank you, Linda  
21 Moulton-Patterson, for your leadership on bringing this  
22 issue forward.

23          I think the two studies before you today are  
24 among the most important deliberative issues that the  
25 Board's taken up in a long while because they address the

1 other 37 million tons of material being disposed of every  
2 year like clockwork. I think they are perhaps the most  
3 in-depth and comprehensive studies of conversion  
4 technology, but most importantly, in the context of an AB  
5 939 framework. How do these technologies really impact  
6 recycling, composting, and other matters?

7 Now, on an issue like this, which is obviously  
8 controversial, it's important that a body of knowledge be  
9 developed that's independent. And I think you were  
10 correct choosing the University of California to be the  
11 researchers to bring objective information forth to inform  
12 this debate and also with RTI with the life cycle  
13 assessment. We need a baseline to all talk from.

14 The findings I think support, as some of us have  
15 thought, that there are large benefits, environmental,  
16 economic, energy benefits to be captured through the  
17 advance of conversion technologies. And it's a happy  
18 occurrence I think that they are consistent with the  
19 framework that we've worked so hard to develop.

20 The UC study states that there remains 37 million  
21 tons of waste going to landfill, the potential there of  
22 2200 megawatts of electricity or 6 percent of California's  
23 energy needs, not an insignificant number, and renewable.

24 The studies support the position that conversion  
25 technologies, particularly gasification, are not

1 incineration. That's underscored by the UC researchers.  
2 This clarification is important to the development of  
3 these technologies as current definitions in statute are  
4 just not scientifically adequate. They're not  
5 scientifically based. Not only are conversion  
6 technologies distinct from incineration, but the whole  
7 context in which that whole debate began was in the '80s  
8 when we had no recycling infrastructure and people like  
9 myself fought incineration because we knew it would thwart  
10 recycling and composting. That is clearly not the case  
11 today with the multi-billion-dollar investment in our  
12 infrastructure.

13           So let me conclude. In the interest of time,  
14 I'm -- how much time do I have?

15           CHAIRPERSON MARIN: About ten seconds.

16           MR. RELIS: Ten seconds. I want to thank you for  
17 bringing these studies forth and giving us a body of  
18 evidence to work from. And I know I look forward to  
19 participating in whatever follows from this meeting today,  
20 if there is something after all this interference.

21           CHAIRPERSON MARIN: The three minutes is up. I  
22 guess that was the way to say it. Thank you, Mr. Relis.  
23 And I know that as a former Board member, this was also  
24 very important to you. So thank you very much.

25           The next one is Monica Wilson from GAIA or GALI,

1 Global Alliance for Incinerator Alternatives.

2 MS. WILSON: Good morning. Thank you. My name  
3 is Monica Wilson. I'm with the Global Alliance for  
4 Incinerator Alternatives. I'm also on the Board of the  
5 Northern California Recycling Association. I'd like to  
6 present some serious concerns we have about these reports  
7 and as well about the technologies of gasification and  
8 pyrolysis and other incinerator-like technologies.

9 I'd like to say that we do not believe  
10 gasification, pyrolysis, and other incineration approaches  
11 are the way forward for California. And we hope that by  
12 pursuing -- the Waste Board would not consider moving  
13 California backwards by looking at what I would consider  
14 retro kinds of technologies.

15 There's some serious toxic emissions and waste  
16 concerns about these technologies. Contrary to statements  
17 in the agenda summaries for Items 16 and 17 today, there  
18 are both environment and environmental justice impacts  
19 from gasification and pyrolysis. And I'm going to limit  
20 my remarks to those two technologies, because I believe  
21 that the whole umbrella of conversion technologies is far  
22 too broad to truly understand what is happening here and  
23 to truly understand the actual technologies that we're  
24 talking about. So I'd like to really focus on those kind  
25 of technologies, those high temperature technologies.

1           They have high toxicity and liquid residues.  
2   Although pyrolytic oils are listed as a primary product,  
3   it's actually true that municipal solid waste pyrolysis --  
4   pyrolysis of municipal solid waste has the highest portion  
5   of dioxins in the pyrolytic oils. So I'd just like to  
6   point that out.

7           I'd also like to point out that the Stockholm  
8   Convention on Persistent Organic Pollutants, which the  
9   U.S. has signed, works for focusing on the elimination of  
10   dioxin creation. I think we'd be going down the wrong  
11   path to find new sources of dioxin creation in California.

12           I think it's unconscionable for the life cycle  
13   analysis report to conclude there's insufficient data  
14   regarding creation of dioxin and other hazards. And I  
15   would really like to encourage the Board to look, again,  
16   at the solid and liquid wastes that are coming out of  
17   these facilities, because those are crucial, crucial  
18   concerns that may be more important -- we're not sure --  
19   than the air emissions. But they need to be looked at  
20   collectively.

21           Again, I'd just like to say that these sorts of  
22   technologies -- these sorts of incinerator-like  
23   technologies are not the way to move California forward.  
24   And the reality is on the ground that the claims by  
25   vendors, which are the same sorts of claims we see in

1 these reports, are not being backed up by data and cannot  
2 be backed up by the vendors when pressed. For example, in  
3 the community of Chowchilla, Northern American Power  
4 Company claimed there would be no emissions from the  
5 pyrolysis facility. When pressed, North American Power  
6 withdrew their application to build a facility instead of  
7 providing any information to the city, and in the last  
8 year I don't believe has submitted any more information or  
9 pursued that operations request.

10 In the City of Hanford, the Air District  
11 rescinded permits for the Plastics Energy Pyrolysis  
12 facility, because the facility had claimed there would be  
13 no emissions. And, yet, when pressed, once again, there  
14 was no information provided by the vendors to show that  
15 this was actually true.

16 So I think we need to be really careful of  
17 looking at what is the reality behind vendor claims and be  
18 very careful to not be dissuaded by these sorts of claims  
19 which so far have been pretty unsubstantiated.

20 CHAIRPERSON MARIN: Thank you, Ms. Wilson.

21 MS. WILSON: Thanks again.

22 CHAIRPERSON MARIN: The next person would be  
23 Scott Smithline from Californians Against Waste.

24 MR. SMITHLINE: Good afternoon, Madam Chair,  
25 Board members.

1           This being my first opportunity to address the  
2 Board under your new leadership, congratulations. And I'd  
3 also like, just before I begin my comments, to thank the  
4 staff, particularly Fernando Berton, who's spent a  
5 considerable amount of time in answering my phone calls  
6 and e-mails trying to help guide me through those 3- or  
7 400 papers of documents. So I think you should be  
8 commended for the work he's doing.

9           Californians Against Waste is always interested  
10 in learning about new technologies that are going to take  
11 something bound for the landfill and turn it in to an  
12 environmentally safe way into either a good or source of  
13 energy. That's why we supported in 2002 this legislation  
14 and were actually part of the policy discussions back at  
15 that time.

16           Since then, we've supported various conversion  
17 technology projects, and we've supported the Board's  
18 process in developing conversion technology regulations.  
19 So it was with some disappointment that we received and  
20 reviewed these documents. Disappointment regarding really  
21 what we think is a lack of important data on the actual  
22 technologies themselves.

23           AB 2770 gave this Board a mandate to review  
24 certain technologies for their environmental desirability  
25 and performance. And, unfortunately, per our review, it

1 seems like these reports are based largely on estimates  
2 and extrapolations and do not provide the data that you  
3 will require to make those determination.

4 Just to look at air emissions data as an example,  
5 two out of the three technologies studied, catalytic  
6 cracking and acid hydrolysis, don't have any data that I  
7 see in the report. I see estimates and permit  
8 limitations, but I don't see the actual data reports. The  
9 data reports we have on gasification are very limited, and  
10 as we heard from the contractors, are not verified by  
11 third party. And we don't know what the methodology is  
12 for those data.

13 And I think the disclaimers are clear in these  
14 reports. They are throughout the reports, and there are  
15 things like an order of magnitude study. There are  
16 considerable uncertainties, there are high levels of  
17 uncertainties. All these statements regarding  
18 environmental performance of these technologies. And I  
19 think we have to heed those disclaimers.

20 The LCA itself states they have not completed an  
21 impact assessment. And it states that the Office of  
22 Environmental Health Hazard Assessment will be completing  
23 that. But the Board has received a letter by OEHHA saying  
24 we can't complete that assessment because the data is not  
25 there.

1           So to sum up this main point, you know, you can't  
2 make environmental and public health life cycle impact  
3 assessments without proper data. We just simply don't  
4 have the data to make at least those reports back to the  
5 Legislature under AB 2770.

6           We have a couple other quick concerns I want to  
7 touch on, the first being flow control. This issue comes  
8 up throughout these reports. You can find it in findings,  
9 like finding Number 7 of the market impact assessment on  
10 page 94. The finding says that -- if I might just  
11 paraphrase, CT might negatively impact future recycling  
12 from untapped waste streams, but impact will be minimal.  
13 They're claiming this impact will be minimal basically  
14 because of the high cost of tapping that waste stream and  
15 because these waste streams are already caught up in  
16 contracts between municipalities and haulers.

17           But the report assumes that basically all these  
18 conversion technologies are going to be required to have  
19 20 years or so put or pay contracts that are going to lock  
20 up the waste stream and essentially continue what we think  
21 is a regressive policy of these long-term contracts which  
22 continue to make the waste streams unavailable for new  
23 recycling efforts. Californians Against Waste is against  
24 those contracts that lock up the waste stream. And,  
25 finally, we are concerned -- do I have about 30 seconds or

1 so left?

2 CHAIRPERSON MARIN: You have ten.

3 MR. SMITHLINE: We're very concerned with the  
4 life cycle impact assessment on energy recovery. It is a  
5 complete departure from what has historically been the  
6 case in terms of energy efficiencies of comparing  
7 recycling to waste energy. This report shows upside down  
8 numbers. And I think until we have time to peer review  
9 that, we think it should be viewed with skepticism.

10 And finally -- all right. I'll comply with your  
11 three minutes. Thank you very much.

12 CHAIRPERSON MARIN: Thank you very much,  
13 Mr. Smithline.

14 The next person will be Jane Williams with  
15 California Communities Against Toxics.

16 MS. WILLIAMS: Good afternoon, members of the  
17 Board. I'm Jane Williams, California Communities Against  
18 Toxics. Represent many of the communities where  
19 incinerator proposals have been proposed over the last 15  
20 years in the state. Most of them have been defeated.

21 I also come to you wearing a number of different  
22 hats today. I served on a Federal Advisory Committee on  
23 combustion for three years, and I also chair the Sierra  
24 Club's National Air Toxics and Combustion Task Force. So  
25 this is a topic that I'm extremely familiar with.

1           And let me just say, first of all, that the  
2 definitions of incineration are very clear in federal law.  
3 And gasification and pyrolysis are both included. Let me  
4 also say that we have done quite a bit of work over the  
5 last ten years to regulate emissions from these types of  
6 technologies. And it might interest you to know that  
7 Congress passed the original Clean Air Act in the mid  
8 1970s, and they told EPA to look at the toxicity of  
9 different hazardous air pollutants.

10           Well, after 25 years, they had only looked at the  
11 toxicity of less than half a dozen of them. So when the  
12 Clean Air Act amendments were signed by the first  
13 President Bush, they went to a complete technology-based  
14 program. So the emission limits that are placed on these  
15 types of facilities emitting hazardous air pollutants are  
16 not standards that protect public health. They're  
17 technology-based standards.

18           So when you see claims in these reports they  
19 would meet emission limits, first of all, I'm not  
20 convinced because we don't have any emissions data.  
21 Second of all, the emission limits are not based on public  
22 health protections. That is why you have seen over the  
23 last 15 years in California and will continue to see a  
24 tremendous amount of concern about public health effects  
25 from the emissions from these facilities.

1           Now, if I came to one of your communities and I  
2   said I was going to put in a waste treatment system that  
3   emitted plutonium, it would probably make the front page  
4   of the paper. And it might interest you to know that  
5   dioxin has actually a steeper cancer slope than plutonium,  
6   meaning it is more carcinogenic.

7           Dioxin is not the only problem, by the way, from  
8   these combustion type of technologies. There's a number  
9   of different products of incomplete combustion, including  
10  bromated dioxins from furan, as well as PCBs and other  
11  very nasty hazardous air pollutants.

12          And the reason the public is so concerned about  
13  these is because there was a reassessment of the toxicity  
14  of dioxin, and EPA said a provisional reference dose of  
15  .01 picograms per kilogram per body weight per day. That  
16  probably doesn't mean very much to you. But if you look  
17  at the national debt and you make it smaller, you would  
18  have to go even less than that. We measure the national  
19  debt in trillions, and we're measuring the amount of  
20  dioxin that can be in your body and not cause health  
21  effects at 10 to the negative 12. The fundamental problem  
22  with these technologies is you measure emissions and  
23  nanograms per cubic meter, but what is dangerous in your  
24  body is an order of magnitude below that. And that is why  
25  community after community after community in California

1 has said no to incinerators.

2 When my organization was formed, the laser  
3 project was proposed, which probably many of you remember.  
4 There were twelve operating hazardous waste incinerators  
5 in California, twelve proposed, and 150 medical waste  
6 incinerators. There's less than half a dozen medical  
7 waste incinerators. There's only one hazardous waste  
8 incinerator, and only three municipal waste incinerators.  
9 That is because the public will not stand for it.

10 CHAIRPERSON MARIN: Thank you, Ms. Williams.

11 MS. WILLIAMS: Thank you very much.

12 CHAIRPERSON MARIN: Okay. The next one is  
13 Mr. Gary Liss with Gary Liss and Associates.

14 (Thereupon an overhead presentation was  
15 presented as follows.)

16 MR. LISS: Madam Chair, members of the Board,  
17 thank you for the opportunity to speak here today.

18 --o0o--

19 MR. LISS: I have a brief presentation that I'll  
20 be handing out. And I'd like to highlight that the --

21 --o0o--

22 MR. LISS: -- key issue I want to address in my  
23 presentation -- I agree with all the last three speakers  
24 on the serious concerns about this report. I agree  
25 wholeheartedly with everything they said.

1           You need to understand one equals 71. For every  
2 ton of garbage placed at the curb or buried in a landfill  
3 in California, there's an equivalent of 71 garbage cans of  
4 waste created in mining, logging, agriculture, oil, and  
5 gas exploration, and industrial processes ahead of that.  
6 So when you're talking about what is the proper boundary  
7 for life cycle analysis, we believe you need to go  
8 upstream. And we don't believe -- we think that the  
9 reason why the numbers aren't coming out in this report  
10 the way we think they should is because the boundaries are  
11 not accurately connected.

12                               --o0o--

13           MR. LISS: In presentation, Dr. Jeffrey Morris, a  
14 key economist in the zero waste field, highlighted at the  
15 International Dialogue of the Global Recycling Council  
16 that you sponsored a couple weeks ago -- he highlighted  
17 the product's life cycle including resource extraction,  
18 mining, distribution. And when he looked at --

19                               --o0o--

20           MR. LISS: -- those types of issues, the key  
21 measure you need to understand is the red on the slide is  
22 the additional energy required to make products out of  
23 virgin materials compared to recycled materials. And  
24 capturing that energy is key to the energy savings that  
25 are much more significant than the energy produced by

1 burning the waste that you're talking about.

2 --o0o--

3 MR. LISS: In San Luis Obispo, Dr. Morris looked  
4 at comparison to landfill gas collection and energy  
5 generation --

6 --o0o--

7 MR. LISS: -- and he looked at compared to waste  
8 to energy systems. And in those slides, which I agree are  
9 complicated, if you look at the big blue -- the net  
10 recycling impact versus the little blue, net garbage  
11 impact, there's much greater savings of energy in the  
12 recycling system -- the recycling life cycle versus the  
13 trash life cycle is the RLC versus TLC.

14 --o0o--

15 MR. LISS: When you look at it compared to energy  
16 recovery, recycling still saves more energy than is  
17 produced by garbage incineration with energy recovery.

18 --o0o--

19 MR. LISS: He tried to translate that into  
20 economic values and showed that for landfill gas projects  
21 and waste to energy projects, recycling would save \$57 a  
22 ton compared to landfill gas projects and \$44 a ton  
23 compared to waste to energy when you consider the variety  
24 of environmental impacts associated with that.

25 Finally, zero waste is zero to landfill and

1 incineration. Gasification and pyrolysis are defined in  
2 this country and in Europe as part of incineration. It's  
3 the high temperature facilities that we're most concerned  
4 about.

5 Air impacts. You can't evaluate air impacts if  
6 you don't have the data. So to make conclusions that  
7 these are okay when they say there's data not there just  
8 doesn't make sense.

9 Diversion credit is inappropriate. That's only  
10 one of many stakeholder comments that were made. Many of  
11 ours were made that were not included. Diversion credits  
12 should not be even on the table.

13 And we don't want to subsidize these technologies  
14 with grants and loans. And conversion technologies are  
15 not better than landfill. The answer is producer  
16 responsibility, zero waste with the twelve master  
17 categories. We don't have to burn this stuff. We get  
18 more out of it by reuse, recycling, and composting.

19 Thank you.

20 CHAIRPERSON MARIN: Thank you, Mr. Liss.

21 The next one will be Mr. Bill McGavern from the  
22 Sierra Club.

23 MR. MCGAVERN: Thank you, Madam Chair. Good  
24 afternoon.

25 Up until now, conversion technologies have been

1 kind of a black box into which were lumped many dissimilar  
2 technologies. And I think these reports give us the  
3 ground -- lay the groundwork for starting to differentiate  
4 among those technologies, because we really shouldn't be  
5 putting them all in the same category.

6           One of the staffers in presenting the reports  
7 said something about "whether you're for or against this  
8 technology." Well, there is no "this technology" to be  
9 for or against. So we need to get out of that mind set  
10 and be more specific.

11           All of this discussion is focused really on what  
12 we do at the back end. Of course, we think most of the  
13 Board's focus should be on the front end. And as Gary  
14 Liss has just presented, recycling will actually save far  
15 more energy than is going to be produced by any of the  
16 technologies under discussion.

17           The environmental community has got very serious  
18 concerns about, in particular, the thermochemical  
19 technologies. And I think this is the first Board meeting  
20 I've been to where there have been more environmental  
21 speakers than industry. So that's a sign of how seriously  
22 we take this.

23           These thermochemical technologies may not be  
24 identical to incinerators, but they're probably more  
25 similar than they are different and are classified as such

1 in many jurisdictions. One of the assumptions in the  
2 report is that we're going to have basically perfect  
3 separation of materials. And we certainly should not  
4 assume that until it's actually proven in the real world  
5 that we're achieving that. And if you change that  
6 assumption, I think you change a lot of the results.

7           The concerns, of course, arise over air emissions  
8 of dioxin and furans, air emissions mixes of heavy metals  
9 like mercury and lead, solid waste residue, which will  
10 again include dioxin. And U.S. EPA has found that dioxins  
11 are so high in our bodies, they're actually changing our  
12 biochemistry. And as far as we're concerned, if it's  
13 changing our own bodily chemistry, then it's a big  
14 problem.

15           Pyrolysis supposedly has no oxygen, but there  
16 will be oxygen in the waste materials. So that will bring  
17 oxygen into the process producing dioxins.

18           As one of the reports acknowledged, there have  
19 been problems with accidents and gas leakage in real world  
20 facilities. The lack of data here -- emissions data from  
21 actual facilities is a real concern. And to have this  
22 expensive and lengthy process and get to the end of it and  
23 still not have that real world data is very disappointing.  
24 Because without that, there's no justification for going  
25 forward with any policies that promote these

1 thermochemical technologies.

2           A very troubling line in the report said that  
3 there's been a lot of environmental community opposition  
4 to the high heat technologies, and that's mostly because  
5 of a misperception that they're similar to mass burn.  
6 This really reminds me of the same way the proponents have  
7 approached incinerators and nuclear power plants. The  
8 opponents must be ignorant. They don't get it. We do.  
9 And so the next proposal will usually be, let's educate  
10 the public this really is good for them. That's the wrong  
11 way to go about it. It would be a big mistake to proceed  
12 that way.

13           I'm also troubled to see the comment that, well,  
14 the definition of gasification in law is technically  
15 inaccurate. That definition resulted from a policy choice  
16 by the Legislature. And, actually, we didn't support the  
17 bill. But that definition was negotiated between industry  
18 and the Senate. And there were reasons for that. So to  
19 just say, well, it's technically inaccurate, we've got to  
20 change it, would ignore the very real policy discussions  
21 that went into that.

22           So, in conclusion, it would be a big mistake at  
23 this point to go forward with diversion credit or outright  
24 subsidies to unproven technologies that in the real world  
25 would probably have very damaging environmental impacts.

1 CHAIRPERSON MARIN: Thank you, Mr. McGavern.

2 Thank you. Two more, if Board members are still  
3 here. Brian Mathers from the Alameda County Waste  
4 Management Authority.

5 MR. MATHERS: Thank you, Madam Chair, members of  
6 the Board.

7 The Alameda County Waste Management Authority  
8 Source Reduction Recycling Board is a Joint Powers  
9 Authority of the member agencies, the jurisdictions within  
10 Alameda County.

11 In 1989-1990, we adopted a 75 percent diversion  
12 goal, and it was passed by 60 percent of the voters of  
13 Alameda County, to reduce the waste 25 percent beyond what  
14 the state mandated in AB 939. I think that while these  
15 studies are very comprehensive in their approach to the  
16 scope of work, I think there's some flawed conclusions.  
17 For example, in the study of the waste characterization,  
18 they included food waste as a high volume material. In  
19 Alameda County, many of our jurisdictions are adopting  
20 residential food waste and commercial food waste  
21 collection programs. In the city of Alameda itself, the  
22 diversion tonnage has actually doubled by introducing  
23 residential food waste programs.

24 So for the biological conversion technology, this  
25 material wouldn't be there and creates a conversion

1 technology that would be in direct competition to a  
2 composting facility that would be using it as a feedstock.

3           While we recognize HF&H as a leader in economic  
4 and market analysis, I think that there's some flawed  
5 conclusions with regards to tipping fees. Many of the  
6 tipping fees in California are overinflated because of the  
7 fees that have been attached to them: Disposal fees that  
8 we collect for household hazardous waste, for facility  
9 fees, for impact fees for import. And when you get down  
10 to the nuts and bolts of actual cost of disposal, we're  
11 looking at costs between \$10 and \$20 a ton. We've seen  
12 disposal contract agreements with landfill companies in  
13 that range of 12 to \$20. And so to say that conversion  
14 technologies are in par with disposal is an inaccurate  
15 statement and I think results in a flawed conclusion.

16           It's naive to believe that hauling companies that  
17 own landfills would not start to drop the price of  
18 disposal to compete with a conversion technology which  
19 would be, therefore, migrating their waste away from them.  
20 You know, this is a capitalistic system. We want to  
21 answer to Wall Street.

22           I think that some of the prior speakers spoke to  
23 the emissions factor. Conversion technologies, the report  
24 acknowledges, would have higher emissions of dioxins,  
25 furans, mercury. All of these are in orders of magnitude

1 much higher than landfilling and composting. We are in  
2 the process of developing more composting in Alameda  
3 County, and it's important these feedstocks don't migrate  
4 from that potential.

5 I just have one other point. If we call the tail  
6 of a dog a leg, how many legs does a dog have? Well, the  
7 answer is four, because calling it a leg doesn't make it a  
8 leg. If you look all these technologies, they all have  
9 resulting products of emissions and char or ash. And just  
10 because we've added a step of gasification or pyrolysis in  
11 the mean time, you cannot separate the smokestack from  
12 these technologies. So I think that that's an important  
13 distinction or understanding to come to.

14 Thank you very much.

15 CHAIRPERSON MARIN: Thank you, Mr. Mathers.

16 And the last speaker on this item would be  
17 Mr. Evan Edgar from CRRC.

18 MR. EDGAR: Madam Chair, Board members, my name  
19 is Evan Edgar from the California Refuse Remove Council.  
20 I represent over 50 MRFs and 12 compost facilities  
21 statewide. And we support the conversion technologies and  
22 support the concept of getting AB 939 diversion credit for  
23 conversion technologies.

24 We also want to investigate the concept of MRF  
25 first where there's some pre-processing of materials prior

1 to going to the conversion technologies where right now  
2 there's over 37 million tons being disposed of. And that  
3 would be the competition to take those organics and put  
4 them through a conversion technology process.

5           One of the reports -- pretty fast with regards to  
6 the commercialization of conversion technologies was a big  
7 mixed waste, mass burn, kind of black box concept, I  
8 believe. And what we're seeing is that it will start  
9 slower, more regional, with source-separated green waste  
10 and wood waste that doesn't have the commingled aspect of  
11 mixed MSW. But it will be a smaller scale, cleaner  
12 feedstock where you won't have those types of emissions  
13 where you make ethynyl out of that green waste and wood  
14 waste whereby we have fuel supplements to replace MTBE  
15 here now, and that's the starter as part of the conversion  
16 technologies. We can't go from zero to 60 miles per hour  
17 with mixed waste black boxes, but we can with source  
18 separated feedstocks to make ethynyl.

19           I believe the life cycle analysis has a fallacy  
20 with regards to not recognizing the export aspects of  
21 impacts. It assumes all the domestic stuff stays here in  
22 the state, where we know that China has taken a lot of  
23 this material up.

24           We believe that conversion technologies will  
25 create a lot of jobs, and with regards to having green

1 energy here in California. Right now we have RPS  
2 standards of 20 percent by 2017. That's going to be  
3 accelerated by the Governor with a new bill this year. We  
4 believe in the eco industrial complex as the next starter  
5 for California with regards to creating energy products in  
6 California for Californians out of recycled products. We  
7 believe that we can recollate a lot of the conversion  
8 technologies at our MRF facilities.

9           With regards to co-location, we have existing  
10 infrastructure. And with a MRF-first policy in place, the  
11 residuals that cannot be recycled and cannot be shipped  
12 out stay within the region producing ethynyl and energy  
13 byproducts here at home.

14           We believe in multi-media solutions where we  
15 produce clean fuels for clean fleets for clean air with  
16 valid air permits. I believe that the Air Boards have air  
17 emissions permits in place. And any of the technology  
18 that would come in force would have to go to the air  
19 permitting process. With a cleaner feedstock, we won't  
20 have those emissions concerns.

21           This is not back to the future. We're not going  
22 retro hip with incineration. I think the future is here  
23 and now. I believe that we have a whole new opportunity  
24 to create jobs and a whole new opportunity in order to  
25 keep energy products here at home. And that type of

1 security we need for our resource management.

2 We support a lot of concepts in the report.

3 We're going to participate in the workshops in order to  
4 get a little more clarity on how this can start out in  
5 small modular regional type of cleaner feedstocks, as  
6 opposed to mixed waste at larger facilities right off the  
7 bat. Thank you.

8 CHAIRPERSON MARIN: Thank you. You had ten  
9 seconds. That is wonderful.

10 Okay. The last one. I think somehow I had  
11 missed this one. James Stuart with BRI Energy,  
12 Incorporated.

13 MR. STUART: Thank you. My name is Jim Stuart,  
14 and I'm with BRI Energy, which is a company that has  
15 achieved a major breakthrough in the co-production of  
16 electricity and ethynyl and/or hydrogen from any  
17 carbon-based waste or from hydrocarbons.

18 I'd like to point out that Bill McGavern said  
19 there are many, many different technologies here. That is  
20 very true. And in our case, the synthesis gas created  
21 from the gasification process does not enter the  
22 atmosphere, but is instead scrubbed and fed to a bacteria  
23 culture which ingests that synthesis gas and within one  
24 minute reconstructs it into ethynyl.

25 The electricity is created from the waste heat,

1 which is achieved by the cooling of the synthesis gas and  
2 it is not combusted in order to produce electricity.

3           The diversion of waste from landfills is a  
4 fundamental policy of the Waste Board, and looms as an  
5 important societal issue. However, 15 years after AB 939,  
6 as has been said, there is something on the order of 37  
7 million tons of material in landfills today that's  
8 organic. In the case of the BRI technology, these organic  
9 wastes could support the co-production of more than 1.5  
10 billion gallons of ethynyl and 3,000 megawatts of power,  
11 enough to turn California, which is currently importing  
12 about a billion gallons of ethynyl per year, into a net  
13 exporter for the state.

14           The life cycle and market impact assessments  
15 conclude that conversion technologies represent  
16 technically viable options for conversion of post recycled  
17 waste. We believe the flexibility of our technology also  
18 makes this true for other feedstocks, including wood  
19 waste, sewage sludge, and agricultural residues.

20           Consistent with these findings and recognizing  
21 the need to implement 21st century technologies for the  
22 disposal of waste, not technologies that are based upon  
23 what happened in the last 30 years, the creation and a  
24 need for the creation of electricity and liquid energy,  
25 the Integrated Waste Management Task Force of Los Angeles

1 County is seeking to create a conversion technology  
2 demonstration plant that will consume 100 tons of  
3 municipal waste per day. The Task Force hired URS  
4 Corporation to guide the technology selection process and  
5 mentor the program.

6 Last week, URS provided the Committee with this  
7 schedule indicating that in the current state legislative  
8 and regulatory environment, this demonstration plan, even  
9 if fast tracked, could not begin operation until March of  
10 2009. Between now and 2009, when the County of  
11 Los Angeles hopes to get its 100-ton-per-day demonstration  
12 facility in place, more than 120 million tons of  
13 post-recycling organic municipal waste will have been  
14 landfilled in the state of California.

15 In contrast, BRI Energy working with Parson  
16 Corporation and Katzen International, two engineering  
17 firms with long experience in waste disposal and the  
18 production of ethynyl, this week began the design of a  
19 nine-million gallon ethynyl plant that we expect will be  
20 operational in the state of Washington by the fourth  
21 quarter of 2005. Its feedstock will be municipal solid  
22 waste and auto fluff.

23 This is a stark example of the outdated  
24 regulatory framework that has evolved in the state of  
25 California, a situation that could be greatly exacerbated

1 by the Waste Board's proposed conversion technology  
2 regulations, regulations that qualify CTs as major waste  
3 disposal plants rather than manufacturing facilities. CTs  
4 do not dispose of organic waste. They destroy them,  
5 leaving only about 5 percent of the gasified material as  
6 an inert ash.

7 BRI's ethynyl production and electricity  
8 generation plant can also operate on gasified coal and  
9 natural gas. And if we were to use these feedstocks  
10 rather than organic wastes, BRI's facilities would be  
11 classified as manufacturing operations. In the 21st  
12 century, we need to begin thinking of products like used  
13 tires, MSW, and agricultural residues as fuels rather than  
14 waste.

15 CHAIRPERSON MARIN: Thank you, Mr. Stuart. Thank  
16 you very, very much for your comments.

17 MR. STUART: I appreciate it.

18 CHAIRPERSON MARIN: Okay. To my fellow Board  
19 members, we can discuss -- I know that you can stay for a  
20 little longer. I want to know what the pleasure of the  
21 Board is. If we take a break now, we'll lose Board Member  
22 Patterson. If we continue until at least 1:30, we can go  
23 and do as much as we can. Maybe we can finish the entire  
24 agenda by that time. Shall we try to do that then?

25 Well, we've heard a lot of wonderful comments for

1 and against the report. And I will now like to entertain  
2 comments from Board members.

3 Mr. Paparian.

4 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

5 And this item was originally going to come to the  
6 Committee, but I thought was important to have it come to  
7 the full Board to get the full flavor of the discussion.  
8 And I think that some of the next steps, as I understand  
9 them, we still have to produce a report to the Legislature  
10 for AB 2770. The reports you heard today were not the  
11 report to the Legislature. We're going to be producing a  
12 separate report which will build on these, use these as  
13 background, but is intended to include additional  
14 information. I think's something the Committee will be  
15 working on with the staff over the next few months.

16 Some of the things in that report are going to be  
17 challenging to come up with, as we've heard today. The  
18 Legislature asked us very specifically to look at and  
19 evaluate the life cycle, environmental, and public health  
20 benefits of each of these technologies. I think we heard  
21 from a number of people today that the facilities where  
22 this information could come from were not forthcoming with  
23 the information that would allow us to conduct that  
24 evaluation. That's why the Office of Environmental Health  
25 Hazard Assessment yesterday sent us a letter saying we

1 can't do these kinds of assessments because we don't have  
2 the data. The industry hasn't provided the data. A lot  
3 of that data is in Europe and Japan. And the facilities,  
4 for whatever reason, weren't willing to share that  
5 information.

6 We're also supposed to provide the Legislature  
7 with an identification of the cleanest and least polluting  
8 conversion technologies. That might be a little bit  
9 easier, but it will still be challenging. I think it's  
10 pretty clear from what we've heard and seen in the reports  
11 that the anaerobic digestion conversion technology stands  
12 out that I think everybody can agree is a conversion  
13 technology that has a lot of benefit and fewer impacts,  
14 potentially, than a lot of the other technologies.

15 And then, finally, we're supposed to take this  
16 report that we produce and we're supposed to get it peer  
17 reviewed by the University of California. So I think  
18 we've got some challenges ahead.

19 You know, if we were going to put any more  
20 resources into this, I think trying to extract that  
21 information from Europe and Japan would be important. And  
22 I don't -- I know Fernando would love to get on a plane.  
23 He'd go today probably and get that information.

24 MR. BERTON: I'm packed already.

25 BOARD MEMBER PAPARIAN: But I think that

1 information would be important.

2           And as well, we have five conversion technology  
3 facilities that I count that are either being built in  
4 California and are pretty far along in the process. Five  
5 of them. And I think that as we look at this technology  
6 over the next few years, we ought to be able to get some  
7 in-California data from these facilities that are already  
8 being built in California. There's one in Davis. There's  
9 one in Lancaster. There's a number of others that are out  
10 there using these technologies that I think we'll be able  
11 to learn from. So I think the Committee will be looking  
12 at these as we develop this report to the Legislature.

13           CHAIRPERSON MARIN: One of my questions to  
14 staff -- and you're saying that we have five that are  
15 being built. Obviously, not one is operating. Are there  
16 any industries -- I know that there's not for MSW. But  
17 are there any other industries that would utilize in the  
18 United States any kind of CT?

19           MR. BERTON: Well, yes. There are actually a  
20 number of coal gasification facilities that are operating  
21 now.

22           And anything else, Rob?

23           MR. WILLIAMS: Yes. All these facilities or  
24 technologies have been or can be used on fossil fuels, the  
25 thermochemical facilities. The AD systems are existing

1 with a lot of animal waste lagoons and tank digester  
2 systems. And there are some jurisdictions in California,  
3 I believe, that are taking source separated food waste for  
4 digestion in the wastewater treatment plant which is  
5 similar technology.

6 CHAIRPERSON MARIN: Because my question would be  
7 what would it take to extrapolate or derive some of the  
8 information of existing CTs? The feedstock would be  
9 different. I think it would be pertinent or prudent to  
10 look at how those other CTs are being employed, what the  
11 results are, and to the degree that we can attempt to  
12 alleviate or explore the concerns that have been presented  
13 by the people expressing some opposition to what we're  
14 attempting to do.

15 I don't have a Ph.D. on this. But I'm wondering  
16 whether there is some benefit to exploring what's out  
17 there already in CTs, even though it's not -- the  
18 feedstock is not MSWs. Would that be something that could  
19 be at least looked into?

20 BOARD MEMBER PAPARIAN: I mean, I think there are  
21 some facilities using waste in Europe and Japan. I think  
22 reports pointed that out. But the authors of the report  
23 could not get the information on emissions at those  
24 facilities. I think that's even a stronger paralegal to  
25 what we're doing.

1           I think as we look and we segment these  
2 technologies, you know, there's anaerobic digestion and  
3 there's the other things. We'll be able to get varying  
4 levels of information on each of those technologies. And  
5 I think that will be important to let the Legislature know  
6 that there are differences in the conversion technologies.

7           CHAIRPERSON MARIN: Great.

8           Ms. Mulé.

9           BOARD MEMBER MULÉ: Fernando, I was wondering if  
10 you could respond to the Chairwoman's question, number  
11 one. And number two, a question I have for you is when is  
12 that Riverside facility supposed to be operational, the  
13 anaerobic digestion facility? Thank you.

14          MR. BERTON: The question of looking at other  
15 facilities that take different kinds of feedstock, that  
16 certainly is a starting point. The one cautionary point  
17 would be to try -- would that be construed as sort of  
18 apples to oranges comparison in terms of coal versus MSW  
19 or something like that? It certainly is a starting point.  
20 I don't know if it sounds like lobbying to go to Europe  
21 and Japan or not.

22          But wherever we can acquire data, data is good.  
23 And third-party verifiable data is even better. And  
24 that's why we have as one of the recommendations that we  
25 think should be in the report to the Legislature are some

1 additional studies to address those data gaps. And it  
2 could be from a multitude of sources. And it could be  
3 sort of a comparative analysis as well of different  
4 technologies and those different feedstocks and all.

5           One thing that we need to also take into account  
6 is that the data and emissions that we get that we could  
7 try to get from Europe and Japan, their reporting units  
8 might be different than they are in California. The  
9 emissions limits and the methods to get to those limits  
10 might be different, the test procedures. So those are  
11 things that we need to take into account as well.

12           Anything else you'd like to add, Rob?

13           And the question about the Riverside facility.  
14 My understanding is that they have narrowed it down to two  
15 anaerobic digestion vendors. They're still going through  
16 sort of the final negotiations to determine who the final  
17 one will be. And it will be -- I think they would try to  
18 get the construction going sometime in 2005. There is a  
19 facility at UC Davis being constructed right now,  
20 anaerobic digestion facility, that's under construction  
21 right now that would take animal bedding, some of the yard  
22 waste, and any of the food waste. Rob would have more  
23 information on that.

24           MR. WILLIAMS: The pilot plant they're building  
25 at Davis would take animal waste, animal bedding, other ag

1 residues, and some source separated food waste and green  
2 waste.

3 BOARD MEMBER MULÉ: And when do we anticipate  
4 that being on line, if you will?

5 MR. WILLIAMS: I'm not sure. Professor Jenkins  
6 is in the back.

7 PROFESSOR JENKINS: The plan is to be finished in  
8 the November time frame. Whether it actually will be or  
9 not, I'm not sure. Sometime this year.

10 CHAIRPERSON MARIN: I didn't hear.

11 MR. WILLIAMS: He said it's supposed to be  
12 completed in the November time frame this year. But it  
13 might be a little bit later. Within six months, probably.

14 BOARD MEMBER MULÉ: So we're looking at a  
15 facility being on line within the next six months? And  
16 with that being on line, we can start collecting the data  
17 then?

18 MR. BERTON: Yes. That would be -- yes.

19 BOARD MEMBER MULÉ: Thank you.

20 CHAIRPERSON MARIN: Okay. So the pleasure of  
21 this Committee. I think the next step would be to hold  
22 some workshops.

23 BOARD MEMBER PAPARIAN: I think they are.

24 MR. BERTON: I was going to -- Board Member  
25 Paparian went through a lot of what was going to be in the

1 report to the Legislature, some of the minimum  
2 requirements.

3 But I think Bill McGavern and Monica Wilson what  
4 they have said in the past is that conversion is maybe too  
5 broad. And they're right. So that's why I think what  
6 would be a way to go in the report to the Legislature is  
7 to sort of parse things out a bit. Look at defining  
8 thermochemical conversion or biochemical conversion or  
9 even thermochemical or biological, sort of separate things  
10 out so that there's maybe a little bit more clarity on  
11 what we're talking about.

12 BOARD MEMBER MULÉ: Excuse me, Fernando. Could  
13 you just outline the next steps that staff is anticipating  
14 so everyone in the room has an understanding of what  
15 you're planning on doing?

16 --o0o--

17 MR. BERTON: The next steps after this would be  
18 we would have a public workshop Friday, October 1st at  
19 9:00 a.m. in the Sierra Hearing Room, just right over next  
20 door, to discuss what -- aside from what we would think  
21 should be in the report to the Legislature, things that  
22 the public stakeholders think should be included. And  
23 then bring some kind of discussion item back to the Board,  
24 likely November, to the Committee and the Board and just  
25 start from there. Like I said, when I first started the

1 presentation, this is just the journey, starting.

2 BOARD MEMBER MULÉ: So then this would be -- what  
3 would come back to the Board in November would be a  
4 revised draft, or would it be the report or a draft of the  
5 report to the Legislature? I just want to make sure  
6 everybody has a clear understanding of where we're going  
7 with this. Thank you.

8 BRANCH MANAGER FRIEDMAN: This is Judy Friedman.

9 We're talking about bringing in November for  
10 discussion a proposed draft report to the Legislature.

11 CHAIRPERSON MARIN: Now let me ask you this. I  
12 know that this came directly to the Board. Would it be  
13 better to go to the Waste Committee first and then come to  
14 the Board for much more ample discussion?

15 BOARD MEMBER PAPARIAN: Yeah. I think we can get  
16 into in the Committee some depth of the report and help,  
17 you know, prepare it for presentation to the full Board.  
18 I think what we did today was in part because this is such  
19 a huge effort, so important to the whole Board, and the  
20 availability of all the contractors. You know, frankly,  
21 there's a cost involved to bringing contractors out more  
22 than once. But, yeah, I think going to the Committee we  
23 can help flush out some of the issues and prepare it for  
24 the Board.

25 CHAIRPERSON MARIN: Well, that sounds very good.

1 Is that all the direction you need, Patty?

2 DEPUTY DIRECTOR WOHL: Sure. That's fine.

3 CHAIRPERSON MARIN: Thank you.

4 Okay. We are going to go now to Item 2. That's  
5 the last item, and we should be able to get out of here.

6 Is someone presenting Number 2? Our  
7 distinguished attorney.

8 STAFF COUNSEL BLOCK: Elliot Block from the Legal  
9 Office. I've got the enviable position of doing this at  
10 five to 1:00 when everybody is hoping to get out of here.

11 (Thereupon an overhead presentation was  
12 presented as follows.)

13 STAFF COUNSEL BLOCK: I will try to do this as  
14 briefly as possible.

15 As many of you know, but as some people may not  
16 know, the Board back in 1991 adopted some meeting and  
17 agenda and Board and Committee procedures. And we have  
18 not -- and by the way, a copy of that is an attachment to  
19 the item. You'll notice it's a faxed version. It's the  
20 best we could do. We didn't have it electronically.  
21 Times have changed a lot in 15 years. We never updated  
22 it, revised it, or terminated it, but we've actually  
23 continued to use it more or less. But anybody looking at  
24 it can see that it's got some names wrong, some terms  
25 wrong, that sort of thing.

1           So the item before you today is to talk about  
2 that and talk about -- I've separated into two parts, both  
3 updating -- what I'm calling updating the procedures and  
4 then talking about the proposed revisions.

5           So the first part of the item in terms of talking  
6 about updates are just those very simple things. Things  
7 like reflecting changes in terminology, those procedures  
8 talked about a CEO rather than an Executive Director.  
9 Committee names are different. We now have a BAWDS  
10 system. Those updates are contained in Attachment 2 in  
11 the item in strike out, underline. And, of course, what  
12 I'd like to emphasize is in terms of those changes,  
13 nothing that we're talking about in terms of the updates  
14 are changing the procedures that we've been using.  
15 They're just updating those.

16                               --o0o--

17           STAFF COUNSEL BLOCK: Now, the second part of the  
18 item -- and this is what you'll see reflected in  
19 Attachment 3 in the italics -- is to talk about -- I'm  
20 going to zip through this a little faster. But please  
21 feel free to stop me if I'm going a little too fast.

22           It's in italics in Attachment 2. This is really  
23 to reflect over the last 13 years from time to time we  
24 have a lot of issues that come up that are more related I  
25 think to meeting procedures as opposed to the logistics of

1 Board meetings. We always find ourselves referring to  
2 Roberts Rules of Order. I have a visual aid. That's what  
3 my copy looks like nowadays. It's a mess. And you know  
4 it's a few hundred pages long. It's just not practical  
5 for us to use.

6           So one of the nice things about the procedures  
7 that we have and even in the Attachment 3 version, which  
8 is now stretching to seven pages or so, which is longer  
9 than I'd like, but it's a tremendous improvement from  
10 having to look stuff up in this every time. And one of  
11 the problems with Roberts -- well, it's got some helpful  
12 information. And one of the revisions I'm suggesting is  
13 we continue to look for guidance sort of as a safety net.  
14 It's really designed for different kinds of meetings than  
15 the Board. It's designed for what they call assemblies  
16 and that sort of thing. You always end up having to take  
17 the rule and then try to translate it into what we do at  
18 the Board.

19           At the risk of taking a little longer,  
20 interestingly enough, I was trying to look things up on  
21 Amazon.com while I was preparing for this, and they  
22 actually had a publication, a simplified version of  
23 Roberts Rules of Order. And then in looking at the  
24 details, it was a 430-page book. So that wasn't too  
25 particularly helpful.

1                               --o0o--

2               STAFF COUNSEL BLOCK: Again, please feel free to  
3 stop me if I'm jumping too fast.

4               There are a number of things in the item. I  
5 think it ends up being about ten of these sort of issues  
6 that I've identified. I'm not going to go through them in  
7 detail now. But if there's a particular one you'd like to  
8 talk about, you should feel free to stop me. But, again,  
9 what I try to reflect in Attachment 3 is basically the  
10 most recent Board practice. And in some cases it's only  
11 come up once. But as I've been able to remember these  
12 things over the last -- I've been here twelve years. I  
13 will give you the caveat that my memory is not always  
14 perfect. So if anybody does remember something different  
15 or some things come up, you know, I believe now is the  
16 time to raise that.

17              But I will also say one of the important things  
18 that I think is useful about revising this is, number one,  
19 you've got full latitude today to change anything, talk  
20 about that, frankly, even put it off and have me come back  
21 next month if there's some things that strike your fancy.  
22 But also more importantly that I think by bringing this up  
23 now, revising these, updating them, it's a living  
24 document. It now is kind of out here. And over the  
25 course of the next six months, the next year, maybe

1 periodically, whatever, I think it's going to be much  
2 easier for us to go in and if something's not working, to  
3 make some tweaks. As a practical matter, we've been doing  
4 that for the last 13 years, but we've never reflected it  
5 in writing. So that's one of the reasons we want to bring  
6 this forward is it's just a little bit strange.

7 BOARD MEMBER MOULTON-PATTERSON: Just for the  
8 record, we did try one time and it was derailed by a Board  
9 member. You know, I just want to put that on. Excuse me  
10 for interrupting.

11 STAFF COUNSEL BLOCK: Okay. Actually, I've  
12 probably at various stages worked on this two or three  
13 times over the years.

14 But it looks a lot more complicated than it is,  
15 and that's always the problem. There's a lot of details.  
16 So I realize I raced through that fairly quickly, but I do  
17 need to raise a couple other issues.

18 --o0o--

19 STAFF COUNSEL BLOCK: As part of talking about  
20 how when you're trying to capture in seven pages a lot of  
21 details about how we run meetings, there's always things  
22 that you miss. There's some things over the years that  
23 one or more of us have taken for granted. And when you  
24 take a look at it, you realize something else needs to be  
25 added into that list.

1           So, for instance, you've got a revised item  
2 before you because somebody noticed last week that the  
3 Attachment 3 -- that was related to the direction, Board  
4 direction items. And I had neglected to add a sentence in  
5 there that talks about the normal process, which is what  
6 we've been doing for years when we have Committees, is  
7 direction items only go to the Committee, unless there's a  
8 reason to forward onto the Board. So I added a sentence  
9 on that.

10           Monday, a couple other things came up. So let  
11 me -- and I obviously didn't have time to get that into a  
12 revised item.

13                               --o0o--

14           STAFF COUNSEL BLOCK: But I have a nice big  
15 overhead here. And, again, if you want more time to look  
16 at these, unlike some of the time sensitive things -- we'd  
17 like to get this taken care of today, obviously, but we  
18 can always deal with this next month if you'd like.

19           But along those same lines -- and I think this  
20 has come up a couple of times today -- the existing  
21 procedures talked about how everything had to go through a  
22 Committee first. As a practical matter, on numerous  
23 occasions, we oftentimes have items go directly to the  
24 Board either because they're deemed things the whole Board  
25 is going to want to talk about anyway. If we're going to

1 spend three hours talking about it, we might as well do  
2 that once rather than twice. Or in the case of this  
3 particular item for instance --

4 --o0o--

5 STAFF COUNSEL BLOCK: -- where there isn't any  
6 appropriate Committee -- at the present time we don't have  
7 an Administration Committee, which we might have normally  
8 put this through. And, again, it's effecting Board  
9 procedures. So the thought was to have this go straight  
10 to the Board, rather than have it go to a Committee that  
11 has a slightly different topic.

12 So if it's the pleasure of -- even though these  
13 are not in Attachment 3, I've got the language up there.  
14 If that's okay with the Board, I'd like to add those in,  
15 if you give me that direction. Again, it's just  
16 reflecting our actual practice.

17 --o0o--

18 STAFF COUNSEL BLOCK: I had one more of those.  
19 Likewise, another issue that was raised on Monday -- and  
20 this is really technical, but worth adding in. I added an  
21 entire section relating to reconsideration. And,  
22 fortunately, through the years, I think we only had to do  
23 it once. But one of the things I left out, because it's  
24 generally considered a given, is you can't reconsider a  
25 decision if you've already implemented part of it. So it

1 probably is worthwhile adding that bullet that you can see  
2 up on the screen in front of you for that.

3 And I think with that, I think that was all. I  
4 have had one other issue that was raised relating to  
5 pulling items from the consent agenda. And it's just more  
6 of a new idea. I'm not sure if --

7 --o0o--

8 STAFF COUNSEL BLOCK: I'll show you what I kind  
9 of raised. There was some discussion the other day  
10 about -- and the procedures have always provided that  
11 pulling items from consent was done by the Chair or a  
12 Board member. And as a practical matter, when a member of  
13 the public has wanted something pulled from consent,  
14 that's essentially granted as a matter of course. But our  
15 procedures have never said that. This is some language --  
16 it wasn't part of the original recommendation, but this is  
17 certainly some of the language that could be added. But,  
18 again, if that's the pleasure of the Board.

19 So with that, sorry to have raced through that.  
20 But I'm sure you all want to go get lunch as much as I do.  
21 We're looking for approval of the updated and revised  
22 version of the procedures, which is Attachment 3, and if  
23 it's the pleasure of the Board, those last four additional  
24 changes that I just talked about today.

25 CHAIRPERSON MARIN: Okay. Mr. Washington.

1 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

2 Elliot, just regarding the pulling items from the  
3 agenda, I notice on that one that it says that the  
4 Executive Director or the Board, are those the only ones  
5 that can pull items from the agenda?

6 STAFF COUNSEL BLOCK: Sorry. Okay. You're  
7 actually in --

8 BOARD MEMBER WASHINGTON: I'm in the actual --

9 STAFF COUNSEL BLOCK: Right. Hang on. Let me  
10 find that page. Attachment 3, and it is bottom of page 6.  
11 So it's the bottom of page 6, pulling items from the  
12 agenda.

13 BOARD MEMBER WASHINGTON: Yeah. Well, I was  
14 actually looking at the item itself. Agenda Item 2, and  
15 it would be on page 4.

16 STAFF COUNSEL BLOCK: Well, the language is  
17 written the way it's written to reflect -- and I zipped  
18 through that. We did have a number of other statutes and  
19 rules that govern our meeting procedures that exist  
20 outside of our procedures. So they haven't been  
21 incorporated here. It'd end up being a 40-page document,  
22 one of which is Bagley-Keene Act. So one of the issues  
23 that we run into from time to time with pulling items from  
24 the agenda, once an item goes on the agenda, the  
25 difficulty in having the item pulled once it's on the

1 agenda by the Board is that --

2 BOARD MEMBER WASHINGTON: Are you saying the  
3 Board itself or Board members?

4 STAFF COUNSEL BLOCK: By the Board. In other  
5 words, once the item is on the agenda, there's no  
6 mechanism, because of Bagley-Keene, for the Board itself  
7 to then pull the agenda item until it gets to the Board  
8 meeting. It obviously can be pulled at the Board meeting.  
9 But an Executive Director who you've delegated the  
10 authority to have staff do items, if he determines an item  
11 is not ready, it's not ready to go. It's not a  
12 Bagley-Keene decision because it's not a Board decision.

13 That's why that's phrased that way. It's a  
14 little bit awkward. But the problem is you can't have a  
15 Board vote until you get to the meeting to pull an item  
16 from the agenda. That's why it's phrased that way. There  
17 are some other potential ways you can do it.

18 BOARD MEMBER WASHINGTON: So a Board member -- a  
19 particular individual Board member can't pull the item  
20 from the agenda?

21 STAFF COUNSEL BLOCK: That's correct.

22 BOARD MEMBER MOULTON-PATTERSON: Before the  
23 meeting.

24 STAFF COUNSEL BLOCK: Before the meeting.

25 BOARD MEMBER MOULTON-PATTERSON: You can once.

1 BOARD MEMBER WASHINGTON: So an individual Board  
2 member at the Board meeting can pull it?

3 STAFF COUNSEL BLOCK: The practice has been --  
4 because we have another provision that essentially says if  
5 a Board member -- any one Board member can ask that an  
6 item be put on the agenda, can request that. So the  
7 problem becomes once it gets on the agenda, and there's no  
8 mechanism for the Board as a whole to pull it or  
9 individual other than that one request, I guess. But if  
10 an item is on there, you end up having to have a vote,  
11 essentially. And typically what happens is it's a  
12 consensus if a member has requested an item be put off or  
13 continued for some reason. It typically works that way.  
14 And that's why the procedures are kind of written the way  
15 they are.

16 What if you had three Board members that want to  
17 hear it and three Board members that didn't? So, you  
18 know, but that situation doesn't happen in the context of  
19 prior to the meeting where the Executive Director who's,  
20 you know, directed staff to put it on in the first place,  
21 pulls it. So I hope I didn't make that more confusing.

22 BOARD MEMBER MOULTON-PATTERSON: On that item, my  
23 recollection has been that, you know, we did have some  
24 problems with this. And I think just Mike and I were here  
25 during the time. But we had something when it got to the

1 Board meeting that it was kind of -- didn't we call it a  
2 courtesy pull or something? That a Board member out of  
3 courtesy could pull it once without a vote. But then if  
4 they kept wanting to pull it, in other words to obstruct  
5 it from being heard, it had to go -- the second time to go  
6 to the vote of the full Board. Is that right; Mike?

7 BOARD MEMBER PAPARIAN: Yeah. That's been the  
8 practice.

9 BOARD MEMBER MOULTON-PATTERSON: I don't know if  
10 we want to put that in writing.

11 STAFF COUNSEL BLOCK: I can capture that.  
12 There's an example -- it's more talked about in the item  
13 than my rushed presentation today. That's within your  
14 choice to do. If you'd like to set the process up that  
15 way --

16 CHAIRPERSON MARIN: But you do have it here. The  
17 Board may pull any item at the meeting by consensus or a  
18 vote, if necessary. So --

19 STAFF COUNSEL BLOCK: Right. But that doesn't  
20 reflect I think what's just been said as the one courtesy  
21 pull. So we can certainly add that, if that's the  
22 pleasure of the Board. That's easy enough to do. I do  
23 remember some discussions around that now that you mention  
24 it, although I can't remember how it actually played out  
25 at the time.

1 CHAIRPERSON MARIN: Okay. Mr. Paparian, you  
2 still want to say something? Go ahead, Mr. Paparian.

3 BOARD MEMBER PAPARIAN: Just a couple quick  
4 things. I'm not sure it's in here that the Committee  
5 votes are recorded somewhere, noted, at least in the  
6 version that I had. I think it would be a good thing to  
7 include that the Committee votes ought to be recorded and  
8 in our system so people can go back and refer to those,  
9 especially if there's a split vote like we do with the  
10 full Board items.

11 STAFF COUNSEL BLOCK: That's easy enough to do.  
12 We can add some language along those lines.

13 And there's a couple of different ways we can do  
14 this. If you want to direct me to add some of these  
15 additional things, and certainly we can put this off and  
16 do another item next month. Or since, again, it's  
17 something obviously I'll write up and send to all of you,  
18 I could simply do it, circulate it. And if there's a  
19 problem, you could direct me to bring the item back. But  
20 if I've captured your wishes, it would be one less item  
21 next month.

22 CHAIRPERSON MARIN: That's right.

23 Ms. Peace wants to say something.

24 BOARD MEMBER PEACE: On this one that's on the  
25 screen it says "to remove an item from the consent agenda,

1 the Chair, the individual Board member, or a member of the  
2 public shall make a request that the item be pulled." If  
3 they make a request that the item be pulled from the  
4 consent agenda, who says yes, we're going to do it or no  
5 we're not going to do it? Is that left up to the Chair,  
6 or do all of us --

7 STAFF COUNSEL BLOCK: No. Actually, as this  
8 particular one is written, as long as the request is  
9 made --

10 BOARD MEMBER PEACE: It would be pulled?

11 STAFF COUNSEL BLOCK: It would be pulled from the  
12 consent agenda, essentially so that the person would have  
13 an opportunity to speak. The existing language says --

14 BOARD MEMBER PEACE: This said any member of the  
15 public, not any Board member.

16 BOARD MEMBER MOULTON-PATTERSON: That's law,  
17 isn't it?

18 STAFF COUNSEL BLOCK: This is just consent  
19 agenda. The discussion we were having about the courtesy  
20 pull was to pull it from the agenda completely and put it  
21 off for a month. This is just simply pulling it off the  
22 consent agenda.

23 And right, as a courtesy, any time this has come  
24 up, the Board has never not allowed somebody to speak on  
25 an item. So this is simply reflecting that.

1           BOARD MEMBER PEACE: Also, are you still saying  
2 we should follow the rule that any item involving -- any  
3 fiscal item or item that needs an approval for a neg deck  
4 or EIR still not go on the consent?

5           STAFF COUNSEL BLOCK: The way that this is  
6 phrased now -- and, again, as you can imagine, with this  
7 many rules -- when I first started writing this, I started  
8 writing options, and suddenly I had a 30-page item,  
9 because you could have two or three options for these ten  
10 things. So all I did in this particular case -- and this  
11 would be page 3 of the item -- is reflected what we  
12 believe is the current Board practice, which is fiscal  
13 items were not eligible for consent, and those where the  
14 Board itself is actually the lead agency adopting a  
15 negative declaration or EIR.

16           The issue has come up last month or the month  
17 before about permits. But when we did look -- and I think  
18 it was discussed then. We did look back. We had  
19 regularly allowed permit items that weren't controversial  
20 to be on the consent agenda. That's why you don't see  
21 them here.

22           But, again, this is your procedure. So it's  
23 ultimately your decision as to how you want the meetings  
24 to run. Legally, permit concurrence are still decisions  
25 of the Board. They can be on the consent agenda. And,

1 actually, to be honest with you, both of these decisions  
2 could actually also be on the consent agenda if you  
3 wanted. It hasn't been the Board practice up until now.

4 What I did to try to keep this from being even  
5 more complex than it's already gotten is to not mix and  
6 match too much, because then there's just a lot of choices  
7 and it gets very complicated.

8 So, yeah. Right now Attachment 3 as you've got  
9 it, fiscal items, and where we're the lead agency would  
10 still not be eligible for the consent agenda. All other  
11 things would be if they meet the other requirements,  
12 they're routine or not controversial or unanimous.

13 BOARD MEMBER PEACE: Only where the Board is the  
14 lead agency on a neg dec or an EIR that we would put it on  
15 consent?

16 STAFF COUNSEL BLOCK: That's right.

17 BOARD MEMBER PEACE: So if the LEA was the lead  
18 agency --

19 STAFF COUNSEL BLOCK: In other words, where we're  
20 actually adopting the negative declaration or certifying  
21 the EIR. So for regulations we do that. And  
22 occasionally -- very occasionally on permits we've done  
23 that. Typically, when we're the responsible agency, when  
24 we're relying on somebody else's document, but we're not  
25 adopting that CEQA, certifying the EIR, for instance. So

1 those we have -- and you'll notice those when you see  
2 agenda titles, sometimes you'll have an agenda title that  
3 includes adoption of negative declaration and adoption of  
4 regs. Those are the items that wouldn't go on consent.  
5 But permit items involve CEQA, but we're not actually  
6 adopting the document in those.

7 BOARD MEMBER PEACE: Okay. Also, there was  
8 something else that came up in my Committee on Item 11.  
9 We had made some changes to it and we put it on consent.  
10 But even if we hadn't put it on consent, we didn't get a  
11 revised item. So I think that kind of left some of the  
12 other Board members that weren't on the Committee in the  
13 dark as to what had happened. I was just trying to figure  
14 out how -- I think maybe to clarify the agenda items that  
15 are modified as a result of Committee action that they  
16 should have some sort of a formal revised item prepared.

17 STAFF COUNSEL BLOCK: I know that's typically our  
18 practice. We have revised items occasionally. We have  
19 some timing issues. But I don't have explicit language  
20 for that in here. I could do that, if that's --

21 CHAIRPERSON MARIN: Julie, what happened?

22 CHIEF DEPUTY DIRECTOR NAUMAN: That hasn't been  
23 included in our procedures in the past, and I think it's  
24 handled on a case by case basis. I think where there's a  
25 very short time turn around, staff has not always prepared

1 a revised item. I think it's up to perhaps the Chair of  
2 the Committee if he or she thinks the changes are  
3 substantial enough and may need to have more public  
4 hearings. We can certainly do our best to prepare a quick  
5 revision. The other option may be not to put the item on  
6 the consent if it's still that fluid in your mind.

7 BOARD MEMBER PEACE: Even if we didn't put it on  
8 consent, it was still going to the full Board. And I  
9 don't think all the other Board members realized maybe all  
10 the things we had discussed and changed at the Committee  
11 meeting. How would they know when it got to the full  
12 Board and didn't put it on the consent and they're looking  
13 at the item and we had changed quite a few things in the  
14 Committee. And how would Board members be aware that we  
15 made those changes?

16 CHIEF DEPUTY DIRECTOR NAUMAN: That's a good  
17 issue. I think we probably should have some further  
18 discussion about that. Particularly if it's the unanimous  
19 position of the Committee, then the item probably should  
20 be revised. Whether you include that in these procedures  
21 or not is your choice. But that can be our administrative  
22 procedure to do that. And in most cases we have  
23 sufficient time to do that.

24 CHAIRPERSON MARIN: It was just this one  
25 particular. Okay.

1 BOARD MEMBER PAPARIAN: Just to add to that. I  
2 agree that there's an issue there also for the public. If  
3 something is substantially changed or someone doesn't know  
4 it's been changed, they don't know there's something they  
5 may want to comment on. I think it's particularly  
6 important to be sensitive to that.

7 CHAIRPERSON MARIN: That's a very good comment on  
8 that.

9 BOARD MEMBER PEACE: I'd like to add to that.  
10 Can we make sure that all revised items should have some  
11 type of formal revision so the public and the rest of the  
12 Board members know what's going on?

13 CHAIRPERSON MARIN: That's what he just said.

14 BOARD MEMBER WASHINGTON: Madam Chair.

15 CHAIRPERSON MARIN: This is it from you,  
16 Mr. Block?

17 STAFF COUNSEL BLOCK: Well, I don't have any more  
18 presentation.

19 BOARD MEMBER WASHINGTON: But I have a question.

20 CHAIRPERSON MARIN: Okay. Another question, Mr.  
21 Washington.

22 BOARD MEMBER WASHINGTON: In terms of this  
23 particular item, I want to make sure I'm clear on this  
24 item here. It says, "To remove an item from the consent  
25 agenda, the Chair or an individual" -- the concern is that

1 make a request. What does that mean when you say make a  
2 request? I can request it be pulled, but it doesn't mean  
3 it's going to happen?

4 STAFF COUNSEL BLOCK: In the context of what's on  
5 the Board, which is just pulling it from the consent  
6 agenda to have discussion, it's simply that. In other  
7 words, one of the members of the Board or the Chair raises  
8 their hand and said, "I would like this item pulled from  
9 consent," which is what we do now. And if it's a member  
10 of the public, they would presumably submit a speaker slip  
11 or a note to go to the Chair to request it be pulled.

12 CHAIRPERSON MARIN: It doesn't mean it's not  
13 going to be heard. It means it's going to be heard  
14 separately.

15 BOARD MEMBER WASHINGTON: I'm saying the word  
16 "request." If that's the case, why doesn't it say that an  
17 individual or Board member wants an item pulled from the  
18 agenda -- the word "request," is the thing I'm trying to  
19 stick here a second and figure out what does that really  
20 mean. If I'm the Chair of this Board and you have an  
21 agenda item that I want to stay on consent and I don't  
22 want it pulled off consent, that word "request" as Chair  
23 of the Board, can I say, no, I'm not going to pull it off  
24 consent and move on?

25 STAFF COUNSEL BLOCK: Request does imply there

1 can be a no. I can play with that language and --

2 BOARD MEMBER WASHINGTON: That's what I'm trying  
3 to say.

4 STAFF COUNSEL BLOCK: As it's written, it's meant  
5 to be removed as a matter of course.

6 BOARD MEMBER WASHINGTON: As you know, no matter  
7 how you write sometimes, the public can come and say, no,  
8 I'm requesting. And, I mean, you just want to get beyond  
9 that part. So I think that word "request" is a stickler  
10 in terms of how we fix that. If I want an item pulled,  
11 that I will get that item pulled from the consent.

12 STAFF COUNSEL BLOCK: In terms of my intent in  
13 writing it and the understanding I think I've gotten from  
14 the Board, it's really from the consent agenda a matter of  
15 course. I can wordsmith that to make sure it reflects  
16 that intent, if that's what you want.

17 CHAIRPERSON MARIN: So do we need to bring this  
18 back for final approval, or do we assume -- or if  
19 everybody agrees that we will give direction that he will  
20 take it, it doesn't really need to come back to the Board,  
21 unless somebody feels as revised that that was not the  
22 intent of what we said here. Would that be fine with the  
23 Board? Okay.

24 Further discussion? Any further discussion?

25 BOARD MEMBER PEACE: Just to clarify in my mind.

1 Are we saying permits can go on consent?

2 CHAIRPERSON MARIN: Yes.

3 STAFF COUNSEL BLOCK: Yes.

4 BOARD MEMBER PEACE: And everybody is okay with  
5 that?

6 STAFF COUNSEL BLOCK: So there is a resolution  
7 that we're requesting.

8 So just to make sure. So I've got a list of four  
9 and then three more items. I don't know if you want me to  
10 go through them or just trust me to capture them all. I  
11 will revise this, circulate it. And obviously let me know  
12 if I captured something incorrectly. I'll be coming back  
13 before you with another item. But assuming I captured  
14 everything correctly, we can move forward.

15 CHAIRPERSON MARIN: Let me just finish by saying  
16 that because the Chair assigns the Committee Chairs and so  
17 forth, and for the next -- my understanding is that we  
18 have a deadline as of today at 5:00 o'clock, if there are  
19 any changes to Committee Chairs, that it needs to be done  
20 before this meeting is over. So it was my great privilege  
21 to be the Chair of the Permitting and Enforcement  
22 Committee. But since now I have assumed a new role, it is  
23 my great pleasure to appoint Rosalie Mulé as the Chair of  
24 Permitting and Enforcement, if she so accepts.

25 BOARD MEMBER MULÉ: I accept. Thank you very

1 much, Madam Chair. Looking forward to working with the  
2 other Committee members.

3 BOARD MEMBER WASHINGTON: Shouldn't that have  
4 been put on the agenda?

5 CHAIRPERSON MARIN: No. The Chair can so wish.

6 Okay. Just to close, I want to thank everybody.  
7 And I don't want this day to go without acknowledging the  
8 graciousness of the former Chair, and I know we're going  
9 to work together. And thank all my Board colleagues. You  
10 guys really helped me out a lot, and I really appreciate  
11 it. And thank staff for all their work. I'm looking  
12 forward to the next four years.

13 So the last thing -- my wonderful staff. One of  
14 the things that I'm going to request of the next agenda is  
15 to move the public comment to be at the very, very  
16 beginning of the agenda. Because I'm sure that right now  
17 this would be the time to have the public comment on  
18 anything about this Board. But literally there is no more  
19 public. So as a courtesy to the state of California, we  
20 may or may not have any public comment at the beginning,  
21 but we will change that.

22 And, Julie, will you make sure that that reflects  
23 the agenda item?

24 CHIEF DEPUTY DIRECTOR NAUMAN: I will. I'm  
25 looking over at Deb McKee. She's got the October agenda

1 just ready to go to print. If we can make that change for  
2 October, we certainly will. But it's always your  
3 prerogative to move that around. I don't know if we can  
4 make it for October, but we will certainly try.

5 CHAIRPERSON MARIN: Do your best. If not, I will  
6 understand. And we will reflect the change as of the next  
7 time.

8 Do we have a member of the public that wishes to  
9 --

10 STAFF COUNSEL BLOCK: We actually haven't voted  
11 on the resolution yet.

12 CHAIRPERSON MARIN: Thank you. So there is a  
13 resolution to adopt. It was -- go ahead. I thought it  
14 was by consensus, but go ahead.

15 BOARD MEMBER MULÉ: I thought we had to move  
16 this. I would like to move approval of Resolution  
17 2004-247, Consideration of Updates and Additional  
18 Revisions to Procedures for Conducting Board and Committee  
19 Activities.

20 CHAIRPERSON MARIN: Okay. Is there a second?

21 BOARD MEMBER PAPARIAN: Second.

22 CHAIRPERSON MARIN: Mr. Paparian. Okay.  
23 Ms. Mulé a motion, and Paparian seconded for Resolution  
24 2004-247.

25 Call the roll, please.

1 EXECUTIVE ASSISTANT JIMINEZ: Mulé?

2 BOARD MEMBER MULÉ: Aye.

3 EXECUTIVE ASSISTANT JIMINEZ: Paparian?

4 BOARD MEMBER PAPARIAN: Aye.

5 EXECUTIVE ASSISTANT JIMINEZ: Peace?

6 BOARD MEMBER PEACE: Aye.

7 EXECUTIVE ASSISTANT JIMINEZ: Washington?

8 BOARD MEMBER WASHINGTON: Is that with the

9 changes?

10 CHAIRPERSON MARIN: Yes.

11 BOARD MEMBER WASHINGTON: So it should be amended

12 to reflect the changes that were requested?

13 CHAIRPERSON MARIN: Yes.

14 BOARD MEMBER WASHINGTON: If that's the case,

15 Washington aye.

16 EXECUTIVE ASSISTANT JIMINEZ: Moulton-Patterson?

17 BOARD MEMBER MOULTON-PATTERSON: Aye.

18 EXECUTIVE ASSISTANT JIMINEZ: Marin?

19 CHAIRPERSON MARIN: Aye.

20 And the last agenda item is public input.

21 MR. KAPUSUK: Thank you, Madam Chair and members

22 of the Board. Again, for the record, Gerard Kapusuk,

23 Ventura County Environmental and Energy Resources

24 Department.

25 The reason I wanted to spring up at your public

1 comment is I forgot to make a very important announcement  
2 with respect to the programs in our department. And that  
3 is, of course, our environmental preferred procurement  
4 program. I just want to call for the Chair's attention in  
5 particular. When we decided to pursue that program, it  
6 resulted in the reduction of toxic materials and more  
7 importantly nearly a million dollars in cost savings at  
8 our county departments and substituting recycled content  
9 as the default choices for the hundreds of procurement  
10 decisions made throughout the day in the county.

11 We were looking for an appropriate symbol on our  
12 website to highlight that program. And we took, of  
13 course, that conventional chasing recycle symbol, but we  
14 decided to substitute dollar bills for the chasing  
15 recycling to make the connection there are different  
16 levels of green. And for the Chair's benefit in  
17 particular, I made a critical point that when we could  
18 focus on this, we needed to get the precision such we  
19 could capture her signature on those dollars in order to  
20 make the point. We're not quite there yet, but we're  
21 working on that. Hopefully, one day we'll be able to  
22 announce that. But I did miss that in my point and I did  
23 want to make that.

24 And thank for your courtesy from a member of  
25 local government. And you're an extraordinary Board to

1 work with, and your staff is a reflection of that  
2 extraordinary partnership. And we hope to do even greater  
3 things in partnership with you.

4 CHAIRPERSON MARIN: Thank you so much. Thank  
5 you.

6 Thank you, ladies and gentlemen. We'll see you  
7 next Board meeting. Thank you.

8 (Thereupon the California Integrated Waste  
9 Management Board, Board of Administration  
10 adjourned at 1:25 p.m.)  
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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing hearing was reported in shorthand by me,  
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the  
8 State of California, and thereafter transcribed into  
9 typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said hearing nor in any  
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 6th day of October, 2004.

15

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